

## SENATE.

TUESDAY, February 22, 1921.

(Legislative day of Monday, February 14, 1921.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Gore	McKellar	Smith, Md.
Ball	Gronna	McLean	Smith, S. C.
Calder	Hale	McNary	Smoot
Capper	Harris	Moses	Spencer
Chamberlain	Henderson	Myers	Sterling
Colt	Johnson, Calif.	Nelson	Sutherland
Culbertson	Jones, N. Mex.	New	Swanson
Curtis	Jones, Wash.	Overman	Thomas
Dial	Kellogg	Phelan	Townsend
Dillingham	Keyes	Phipps	Trammell
Fernald	Kirby	Pittman	Underwood
Fletcher	Knox	Pomerene	Wadsworth
Gay	La Follette	Ransdell	Walsh, Mont.
Gerry	Lenroot	Sheppard	Warren
Glass	Lodge	Simmons	Willis
Gooding	McCumber	Smith, Ga.	Wolcott

Mr. CURTIS. I desire to announce that the Senator from Washington [Mr. POINDEXTER] is absent on official business.

The VICE PRESIDENT. Sixty-four Senators have answered to the roll call. There is a quorum present.

## READING OF WASHINGTON'S FAREWELL ADDRESS.

The VICE PRESIDENT. There is a standing order of the Senate that upon the 22d day of February of each year, immediately following the reading of the Journal, Washington's Farewell Address shall be read to the Senate. This happens to be a recess and not an adjournment, and the reading of the Journal is not in order, but unless there is objection thereto the Chair will recognize the Senator from New York [Mr. WADSWORTH] to read the Farewell Address of the first President of the United States. Is there objection? The Chair hears none.

Mr. WADSWORTH read the address, as follows:

*To the people of the United States.*

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken, without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government, the best exertions of which a very fallible judg-

ment was capable. Not unconscious in the outset, of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently, want of success has countenanced the spirit of criticism,—the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquillity at home; your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But, as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite moment, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight

shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess, are the work of joint counsels, and joint efforts, of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest.—Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *north*, in an unrestrained intercourse with the *south*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry.—The *south*, in the same intercourse, benefiting by the same agency of the *north*, sees its agriculture grow and its commerce expanded. Turning partly into its own channels the seamen of the *north*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *east*, in a like intercourse with the *west*, already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *west* derives from the *east* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable outlets for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *west* can hold this essential advantage, whether derived from its own separate strength; or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalry alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter.—Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its bands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discriminations,—*northern* and *southern*—*Atlantic* and *western*; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head: they have seen, in the negotiation by the executive, and in the unanimous ratification by the senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated

among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government.—But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presuppose the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency.—They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your Government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the constitution, alterations which will impair the energy of the system; and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions:—that experience is the surest standard by which to test the real tendency of the existing constitution of a country:—that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change from the endless variety of hypothesis and opinion: and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular references to the founding them on geographical discrimination. Let me now take a more com-

prehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another; foment occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the Government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchical cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern: some of them in our country and under our own eyes.—To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates.—But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and

experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundations of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of difficulties,) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favored nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous

sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils!—Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence, (I conjure you to believe me fellow citizens,) the jealousy of a free people ought to be constantly awake; since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith:—Here let us stop.

Europe has a set of primary interests, which to us have none, of a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the Government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength, and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

UNITED STATES,

17th September, 1796.

DIPLOMATIC AND CONSULAR APPROPRIATIONS.

Mr. LODGE. Mr. President, owing to the absence of the Senator from Nebraska [Mr. HITCHCOCK] from the city, I ask the Chair to be kind enough to substitute as one of the conferees on House bill 15872, the Diplomatic and Consular appropriation bill, the Senator from Virginia [Mr. SWANSON] to serve in place of the Senator from Nebraska.

The VICE PRESIDENT. Without objection, that substitution will be made.

BERNARD M. BARUCH AND JOHN D. RYAN.

Mr. THOMAS addressed the Senate, but before concluding yielded the floor. His speech appears entire in to-day's proceeding under the above heading.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. H. Overhues, its assistant enrolling clerk, announced that the House had passed the following bills:

S. 3225. An act for the relief of bona fide settlers who intermarry after having complied with the homestead law for one year;

S. 4436. An act to amend the act approved December 23, 1913, known as the Federal reserve act; and

S. 4682. An act to amend section 74 of the Judicial Code, as amended.

The message also announced that the House had passed, each with an amendment, the following bills:

S. 4683. An act to amend section 11 (m) of the act approved December 23, 1913, known as the Federal reserve act, as amended by the acts approved September 7, 1916, and March 3, 1919; and

S. 4897. An act to amend section 9 of an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, as amended.

The message further announced that the House had passed, with amendments, the joint resolution (S. J. Res. 161) to exempt the New York State Barge Canal from the provisions of section 201 of House bill 10453.

The message also announced that the House had passed the following joint resolution and bills, in which it requested the concurrence of the Senate:

H. J. Res. 465. Joint resolution for the appointment of one member of the Board of Managers of the National Home for Disabled Volunteer Soldiers;

H. R. 15662. An act to extend temporarily the time for filing applications for letters patent, for taking actions in the United States Patent Office with respect thereto, for the reviving and reinstatement of applications for letters patent, and for other purposes;

H. R. 16043. An act to authorize the incorporation of companies to promote trade in China;

H. R. 8032. An act to provide for the erection of memorials and the entombment of bodies in the Arlington Memorial Amphitheater, in Arlington National Cemetery, Va.; and

H. R. 11307. An act to amend section 5146 of the Revised Statutes of the United States in relation to the qualifications of directors of the National Banking Association.

The message further communicated to the Senate the resolutions of the House unanimously adopted as a tribute to the memory of Hon. CHARLES F. BOONER, late a Representative from the State of Missouri.

The message also communicated to the Senate the resolutions of the House unanimously adopted as a tribute to the memory of Hon. FRED L. BLACKMON, late a Representative from the State of Alabama.

## ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 4205. An act to amend section 4, chapter 1, of Title I of an act entitled "An act making further provision for a civil government for Alaska, and for other purposes," approved June 6, 1900, as heretofore amended by section 2 of an act entitled "An act to amend section 86 of an act to provide a government for the Territory of Hawaii, to provide for additional judges, and for other judicial purposes," approved March 3, 1909, and for other purposes;

H. R. 178. An act authorizing an exchange of lands by A. A. Bruce, of La Veta, Colo.; and

H. R. 8692. An act authorizing the exchange of lands within the Montezuma National Forest in Colorado.

## PETITIONS AND MEMORIALS.

Mr. CHAMBERLAIN presented two joint memorials of the Legislature of Oregon, which were referred to the Committee on Commerce, as follows:

Senate joint memorial No. 10, introduced by Senator Ritner and Representative Bean.

To the honorable Senators and Representatives in Congress assembled:

Whereas the starving and destitute condition of untold millions of people in China and the equally deplorable plight of many other millions of men, women, and children in the nations of the Near East, have been brought to the notice of the friendly people of America; and

Whereas philanthropic men and women, working through various relief organizations, have undertaken to secure from the bounty and plenty of America money and food to save the hungry and succor the dying in the stricken and distressed countries of the Near and Far East; and have already obtained money and supplies, or the promise of them; and

Whereas the United States Government is operating, under the direction of its Shipping Board, a great fleet of merchant vessels to various parts of the world, and among them is a line of steamers maintaining regular service on the route from Portland to the ports of north China and return; and

Whereas it is reported that under the Government regulations the Shipping Board is powerless to assign free space in any of its vessels for the transport of food and other supplies to the impoverished, needy, and helpless millions of China or the Near East; and

Whereas the prosperous and liberal people of Oregon are ready to donate for dispatch to China or the Near East a fair share of their great stores of grain, flour, salmon, fruit, and other goods: Therefore be it

*Resolved*, That we appeal to Congress for immediate emergency legislation which will permit the employment of its vessels in the great and necessary service of furnishing transportation of supplies to China or the Near East, either through the dispatch of fully laden vessels direct to the ports of China or the Near East, or the assignment of free space on the vessels of established lines; and be it further

*Resolved*, That we especially urge the Oregon delegation in Congress to procure the enactment of such legislation.

Adopted by the senate February 8, 1921.

ROY W. RITNER,  
President of the Senate.

LOUIS E. BEAN,  
Speaker of the House.

UNITED STATES OF AMERICA,  
STATE OF OREGON,  
OFFICE OF THE SECRETARY OF STATE.

I, Sam A. Kozier, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of house joint memorial No. 11 with the original thereof adopted by the Senate and House of Representatives of the Thirty-first Legislative Assembly of the State of Oregon and filed in the office of the secretary of state February 11, 1921, and that the same is a full, true, and complete transcript therefrom and of the whole thereof, together with all indorsements thereon.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 11th day of February, A. D. 1921.

[SEAL.]

SAM A. KOZIER,  
Secretary of State.

House joint memorial 11.

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

We, your memorialists, the House of Representatives of the State of Oregon (the Senate concurring), respectfully represent that—

Whereas there is a long strip of country along the southwestern coast of Oregon that has no adequate shipping facilities and the country is greatly retarded by lack thereof; and

Whereas the people of Port Orford, Curry County, Oreg., have organized a port district and have built a wharf at Port Orford at a cost of \$40,000; and

Whereas by a small expenditure of money a breakwater of approximately 500 feet in length could be built from a point near the present wharf to a point of rock in the ocean that would allow the largest vessels afloat to land at the wharf at all seasons of the year; and

Whereas there is a great demand for Port Orford cedar, and southwestern Oregon is the only part of the world where said cedar grows, and there is at present no proper shipping facilities for this and other products in said vicinity: Therefore be it

*Resolved by the House of Representatives of the State of Oregon (the Senate concurring)*, That the Congress of the United States of America be, and it is hereby, memorialized to take the necessary steps to have a survey made of the port of Port Orford with the view of making said breakwater or jetty.

*Resolved*, That the secretary of the State of Oregon be directed to transmit by mail a copy of this memorial to the President of the United States Senate and the Speaker of the House of Representatives of the United States and to each of the Senators and Representatives from the State of Oregon in Congress.

Adopted by the senate February 10, 1921.

ROY W. RITNER,  
President of the Senate.

Adopted by the house February 2, 1921.

LOUIS E. BEAN,  
Speaker of the House.

[Indorsed: House joint memorial No. 11. Introduced by Mr. Peirce, W. F. Drager, chief clerk. Filed Feb. 11, 1921. Sam A. Kozier, secretary of state.]

Mr. CHAMBERLAIN presented a joint memorial of the Legislature of Oregon, which was referred to the Committee on Foreign Relations, as follows:

Memorial 1 of the Joint Assembly of the Senate and House of Representatives of the State of Oregon.

To the honorable Senate and House of Representatives of the United States of America:

Your memorialist, the Joint Assembly of the Legislature of the State of Oregon, respectfully represents that—

Whereas it is fitting and proper that the United States of America should commemorate the restoration of peace after the mighty conflict of the World's War and the triumph of democracy, which marks the beginning of what promises to be the greatest era of industrial activity and development that the world has ever known; and

Whereas it is essential to our national peace, strength, and unity that a strong line of defense be built along the western coast of the United States, to serve as a bulwark against intrusion or invasion from the west and the most effective line of defense is a highly developed, thickly populated section, supported by industries and agricultural lands; and

Whereas Oregon has vast undeveloped natural resources, consisting of timber, irrigable lands, water power, minerals, scenic beauty, and other attractions, which should be known to all the world and invitations extended to all to participate in their development and enjoyment; and

Whereas vast undeveloped water power of the streams of Oregon constitute a national asset, which should be developed and utilized for the national good, and the Columbia River and its tributaries, constituting one of the largest units of undeveloped power in the world to-day, should be called to the attention of our Nation and to those who may be interested in their development; and

Whereas through hydroelectric-power development and the resulting manufacturing and industrial expansion, the great markets of the Orient may be opened to the products of the United States; and

Whereas the discovery of the electromagnet in 1825 has opened the way to many new uses for electrical power and has made it one of the most important factors in industrial manufacturing and agricultural development; and

Whereas the desired results may best be accomplished through an exposition held on the Pacific coast at which all States and foreign nations may participate: Now, therefore be it

*Resolved by the joint assembly of the senate and house of representatives, That the Congress of the United States be, and the same is hereby, memorialized to invite foreign nations to participate in the Atlantic-Pacific Highways and Electrical Exposition to be held in the city of Portland, State of Oregon, in the year 1925; and be it further*

*Resolved, That a copy of this memorial be forwarded to the President of the Senate and Speaker of House of Representatives of the United States of America.*

Adopted by the senate, February 11, 1921.

ROY W. RITNER,  
President of the Senate.

Adopted by the house, February 12, 1921.

LOUIS E. BEAN,  
Speaker of the House.

Mr. CHAMBERLAIN presented a joint memorial of the Legislature of Oregon, which was referred to the Committee on Interstate Commerce, as follows:

UNITED STATES OF AMERICA,  
STATE OF OREGON,  
OFFICE OF THE SECRETARY OF STATE.

I, Sam A. Kozer, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of house joint memorial No. 8 with the original thereof adopted by the Senate and House of Representatives of the Thirty-first Legislative Assembly of the State of Oregon and filed in the office of the secretary of state February 11, 1921, and that the same is a full, true, and complete transcript therefrom and of the whole thereof, together with all indorsements thereon.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 11th day of February, A. D. 1921.

SAM A. KOZER,  
Secretary of State.

House joint memorial 8.

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

We, your memorialists, the House of Representatives and the Senate of the State of Oregon, in regular session assembled, respectfully represent that—

Whereas your honorable body has under consideration a bill compelling every manufacturer or handler or seller of woolen fabrics and woolen garments to place thereon a tag plainly stating the exact percentage of virgin wool and also how much and what other materials enter into such cloth; and

Whereas such a law will be of inestimable value to both those who wear clothing and also to producers of wool and mohair; and

Whereas Oregon is interested both as a producer and as a user of woolen goods: Therefore be it

*Resolved by the house of representatives (the senate concurring), That the Congress of the United States be, and it is hereby, memorialized to enact such legislation; and be it further*

*Resolved, That the secretary of state be directed to transmit by mail a copy of this memorial to the President of the United States Senate and to the Speaker of the House of Representatives and to each of the Senators and Representatives from the State of Oregon.*

Adopted by the senate February 10, 1921.

ROY W. RITNER,  
President of the Senate.

Adopted by the house February 2, 1921.

LOUIS E. BEAN,  
Speaker of the House.

[Indorsed: House joint memorial No. 8. Introduced by Messrs. Egbert and Roberts. W. F. Drager, chief clerk. Filed Feb. 11, 1921. Sam A. Kozer, secretary of state.]

Mr. WOLCOTT presented a telegram in the nature of a memorial of the Fourth Degree Assembly, Santa Maria Council No. 195, Knights of Columbus, of Wilmington, Del., remonstrating against the enactment of legislation creating a department of education, which was referred to the Committee on Education and Labor.

Mr. CAPPER presented memorials of St. Joseph's Council No. 1325, Knights of Columbus, of Hays, and St. Agnes Branch, No. 978, Ladies' Catholic Benevolent Association, of Leavenworth, both in the State of Kansas, remonstrating against the enactment of legislation creating a department of education, which were referred to the Committee on Education and Labor.

He also presented a resolution of Nimmons Local No. 3616, Farmers' Union, of Nimmons, Ark., favoring legislation to prevent gambling in grain products, which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution of the Kansas State League of Local Building and Loan Associations, of Topeka, Kans., favoring an amendment to the income tax law, providing that incomes not exceeding \$500 in any one case derived by a member from his investment of savings in shares of a domestic

building and loan association or cooperative bank, shall be exempted from the operation of the law, which was referred to the Committee on Finance.

Mr. GRONNA. I present a concurrent resolution of the Legislature of North Dakota, which will be printed in the RECORD under the rule. It provides for setting aside the most wonderful and picturesque section of country in the world for a national park, namely, the Bad Lands, including the Petrified Forest.

The concurrent resolution was referred to the Committee on Public Lands, as follows:

Concurrent resolution introduced by Mr. Carl B. Olsen, of Billings County.

To the Senate and House of Representatives of the United States of America in Congress assembled:

We, the Seventeenth Legislative Assembly of the State of North Dakota, beg leave to represent to your honorable bodies:

First. That there is in the western part of this State, lying within the boundaries of Billings County, near the town of Medora, a wonderful petrified forest, consisting of thousands of petrified stumps ranging in size up to 8 and 10 feet high and as much as 14 feet in diameter. This prehistoric forest, appearing in a certain stratum of soil, is apparently in its original position. A large number of the stumps being erect while others are prostrate, due to the action of the elements in wearing away the soil on which this forest grew, while others appear as huge mushrooms on pedestals of firmer soil. That there is to be found among these petrified stumps the fossil leaves of these once giant trees. These fossils or petrified trees are found in the greatest profusion on four sections of land.

Second. That the surrounding country is a wonderful and picturesque section of Bad Lands along the Little Missouri River, being a distinct type of country, very interesting and alluring to tourists and sightseers, and of great scientific value.

Third. That there are groves of pines and quaking aspens which are found almost nowhere else within the State of North Dakota. Cedars, ash, cottonwood, boxelders, cherries, plums, and berry trees abound in the hills and in the draws and canyons and along the Little Missouri River.

Fourth. That our late President, Theodore Roosevelt, loved this country and made it his home and that his cattle ranged over every section of this country while he was engaged in the stock business in Billings County, N. Dak.

Fifth. That this is the natural home of deer, elk, antelope, and buffalo, and that there is now a considerable number of deer living on this tract of land. Bald and golden eagles are plentiful.

Sixth. That the above-mentioned features and points of interest, including Roosevelt's range, are all contained in 33 sections of land, including 21,945.04 acres, being sections 5, 6, 7, 8, 17, 18, 19, 20, township 140, range 101; sections 1, 2, 3, 4, 5, 9, 10, 11, 12, 13, 14, 15, 16, 23, and 24, township 140, range 102; sections 31, 32, 33, 34, 35, township 141, range 101; and sections 26, 27, 34, 35, 36, township 141, range 102, all west of the fifth principal meridian. Less than 5 per cent of this land is susceptible to cultivation.

Seventh. That, even though the southern border of this proposed park is but one-half mile from the town of Medora, which is located on the Northern Pacific Railroad and the Red Trail or National Park Highway, it is nearly all inaccessible under the more convenient modes of travel and a large part is only accessible with saddle horses. Due to this fact the scenic and scientific wonders of this region are almost wholly unknown except locally.

Eighth. That there are artesian wells and natural fresh-water springs at various points on this tract, which make possible the most delightful and ideal camping grounds.

Now, therefore, we, the Seventeenth Legislative Assembly of the State of North Dakota, believing that this wonderful fossil forest and this beautiful and fantastic section of Bad Lands, with its grotesque formation and its wonderfully colored buttes should be made accessible to scientists and sightseers and preserved inviolate for future generations, do hereby most respectfully petition your honorable bodies to take steps for the purchase of the above-described tract of land, and as much more as your honorable bodies may deem fit, and the establishment of a national park and game preserve. And we further respectfully request that the same shall be called Roosevelt Park as a lasting memorial to our beloved late President; and be it

*Resolved, by the Seventeenth Legislative Assembly of the State of North Dakota, That our Senators and Representatives in Congress be and are hereby authorized and instructed to use all honorable means to induce the Congress of the United States to make the proposed Roosevelt Park a reality in the near future, under the care and supervision of the Federal Government. Also that the secretary of state of North Dakota be, and is hereby, requested and instructed to transmit a copy of this memorial to the President of the United States, the Secretary of the Interior, and to each House of Congress, to each of our national Senators and Representatives, and also a copy of this memorial, together with a blue print of this proposed park, to the chairman of the National Park Commission.*

This is to certify that the foregoing concurrent resolution originated in the House of Representatives of the Seventeenth Legislative Assembly of the State of North Dakota, the Senate concurring therein, and was adopted.

L. L. TINCHELL,  
Speaker of the House of Representatives.  
H. LOOWSON,  
Chief Clerk of the House of Representatives.  
H. REEFORD,  
President of the Senate.  
W. J. PRATER,  
Secretary of the Senate.

Mr. GRONNA. I present a resolution adopted by the Knights of Columbus of the city of Grand Forks, which I ask may be printed in the RECORD and appropriately referred.

There being no objection, the resolution was referred to the Committee on Education and Labor and ordered to be printed in the RECORD, as follows:

## Resolution.

Whereas at a meeting of the Grand Forks Council, held at Grand Forks on the 14th day of February, 1921, a thorough discussion of the Smith-Towner bill was had by the members present; and Whereas the said members unanimously voted to oppose the said bill for the following reasons:

1. Because it involves the menace of a Federal educational bureaucracy.
2. Because it destroys the constitutional principle by which rights reserved to the States or to the people are inviolate; in particular the educational independence of the States.
3. Because education, which is fundamentally local, it centralizes at the National Capital at Washington, thus subverting the whole traditional policy of the country.
4. Because centralized and "bureaucratized" education tends to become "ossified" education; involves the schools in the national curse of red tape, creates another army of Government employees, and substitutes the Federal official for the local superintendent.
5. Because it decreases educational efficiency and would throttle educational freedom.
6. Because it will add hundreds of millions of dollars to the country's already staggering financial burden for a wholly unnecessary, useless, and wasteful national department.
7. Because it is in reality taxing the North to educate the South.
8. Because it would work grave injustice to the schools and teachers of Massachusetts and all educationally progressive States.
9. Because notable educational authorities, with no personal interests to be served by the bill, see in it a menace to American education.
10. Because it is not an American ideal, but a foreign importation, wholly inconsistent with American ideals of freedom and liberty: Now, therefore, be it

*Resolved*, That the Grand Forks Council, for the reasons above stated, is unalterably opposed to the said bill and requests you as their Representative in Congress to use your influence in opposing its passage.

Dated February 14.

M. NORMAN,  
Grand Knight.  
EDWARD A. KETTER,  
Recording Secretary.

Mr. KEYES presented a resolution of executive officers of the Grand Army of the Republic, Department of New Hampshire, of Concord, N. H., protesting against privileges to erect any monuments, statues, or portrait tablets within a radius of 200 feet of the National Memorial Arch at the intersection of Clay Street in the city of Vicksburg, Miss., which was referred to the Committee on the Library.

Mr. WARREN presented a joint memorial of the Legislature of Wyoming, which was referred to the Committee on Post Offices and Post Roads, as follows:

THE STATE OF WYOMING,  
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA,  
State of Wyoming, ss:

I, W. E. Chaplin, secretary of state of the State of Wyoming, do hereby certify that the annexed copy of enrolled senate joint memorial No. 3, of the Sixteenth Legislature of the State of Wyoming, being original senate joint memorial No. 5, has been carefully compared with the original filed in this office, and is a full, true, and correct transcript of the same and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 16th day of February, A. D. 1921.

[SEAL.]

W. E. CHAPLIN,  
Secretary of State.  
By H. M. SYMONS, Deputy.

Enrolled joint memorial 3, Senate, Sixteenth Legislature of the State of Wyoming.

Memorial to the Senate and House of Representatives of the United States requesting of Congress prompt action on H. R. 15873 for extension of Federal aid for highway construction:

Whereas the Federal Government has heretofore and during the past years extended Federal aid to the several States of the Union for the purpose of constructing permanent highways; and Whereas by reason of such Federal aid many of the States have begun the construction of permanent State and interstate highways, which have been completed in part and the completion of which will necessitate further Federal aid; and

Whereas heretofore, on the 25th day of January, 1921, the Roads Committee of the House of Representatives of the United States did unanimously recommend an authorization for the appropriation of \$100,000,000 for the fiscal year ending June 30, 1922, also the appropriation of \$3,000,000 for the national forest roads and trails, which said recommendation is known as H. R. 15873, by the terms of which bill further Federal aid will be extended to the States of the Union for further permanent road construction and completion of roads under construction under the provisions of an act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916; and

Whereas the Legislature of the State of Wyoming did heretofore pass and adopt a law assenting to and agreeing to conform to the provisions of an act of Congress entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," together with all acts and legislation amendatory thereto or supplementary thereto, or which shall grant or authorize aid for the construction, improvement, maintenance, or repair of public roads or highways: Now, therefore, be it

*Resolved by the Senate of the State of Wyoming (the House of Representatives concurring)*, That the Congress of the United States be memorialized to take favorable and prompt action and to pass H. R. 15873 as unanimously recommended by the Roads Committee of the House of Representatives of the United States: Be it further

*Resolved*, That a copy of this memorial be sent to Senator FRANCIS E. WARREN, Senator JOHN B. KENDRICK, and Hon. FRANK W. MONDELL, Representative in Congress for the State of Wyoming.

W. W. DALEY,  
President of the Senate.  
L. R. EWART,  
Speaker of the House.

Mr. HARRIS presented a resolution of the board of directors of the Savannah Cotton Exchange, of Savannah, Ga., protesting against transferring the Hydrographic Office from the Navy Department to the Department of Commerce, which was referred to the Committee on Naval Affairs.

Mr. PHIPPS presented a resolution of the Legislature of Colorado, which was referred to the Committee on Agriculture and Forestry, as follows:

House joint resolution, by George R. Smith and George A. Pughe.

To the honorable COMMISSIONER OF INTERNAL REVENUE:

Whereas under date of January 20, 1921, the honorable Commissioner of Internal Revenue issued a ruling relative to the taxability of adulterated butter under section 4 of the act of 1902, thereby placing a tax of 10 cents per pound upon butter which is manufactured from cream which is high in acid and which has been neutralized with chemicals before churning; and

Whereas such ruling applies to approximately 80 per cent of the butter manufactured in Colorado and 75 per cent of the butter manufactured in the United States; and

Whereas the use of lime water for the purpose of neutralizing cream which is high in acid has been a recognized practice for many years' standing that has been carried on with the full knowledge of the Commissioner of Internal Revenue, and the various State and Federal authorities, and is in no way harmful or deleterious, and has in no degree ever been used as fraud or deception on any person or the public; Now, therefore, be it

*Resolved by the House of Representatives of the Twenty-third General Assembly of the State of Colorado (the Senate concurring therein)*, That we are opposed to this excessive tax, and the new interpretation of the old established law which seriously interferes with the operation of a great industry in the State of Colorado, and which has been built up under the prevalent interpretation that such practice and custom were not in conflict with the act of 1902, and which new interpretation will destroy the present wide market which the farmers and manufacturers have heretofore enjoyed; be it further

*Resolved*, That a copy of these resolutions be sent to our Senators and Representatives in Congress and to the Secretary of Agriculture at Washington, D. C.

Mr. WILLIS presented a resolution of Sandusky City Lodge, No. 14, of the Licensed Tugmen's Protective Association, of Sandusky, Ohio, favoring legislation placing a protective tariff on fish, which was referred to the Committee on Finance.

Mr. BORAH presented a resolution of the Idaho Mining Association, of Boise, Idaho, favoring an amendment to the tariff law of 1913, "Schedule C of metals and manufactures of," as it relates to lead in ores, lead in mats, drosses or reguluses, lead in bullion or base bullion, lead in pigs or bars, lead in any other form or combination, etc., and also that a tariff on zinc and zinc ores be provided in conformity with the recommendations made by the American Zinc Institute, which was referred to the Committee on Finance.

He also presented a resolution of the Idaho Mining Association, of Boise, Idaho, favoring legislation for the protection of the gold-mining industry, which was referred to the Committee on Mines and Mining.

He also presented a resolution of the Idaho Mining Association, of Boise, Idaho, favoring a repeal of the 640-acre enlarged homestead grazing law, which was referred to the Committee on Public Lands.

He also presented a petition of the Idaho Mining Association, of Boise, Idaho, favoring the enactment of Senate bill 4571, to amend the United States mining laws, which was referred to the Committee on Mines and Mining.

He also presented a resolution of the Idaho Mining Association, of Boise, Idaho, favoring a reduction in freight rates on ores, which was referred to the Committee on Interstate Commerce.

## OIL CONCESSIONS IN COSTA RICA.

Mr. BORAH. I offer a resolution and ask that it be read. If it leads to any debate I will not ask for its consideration.

The resolution (S. Res. 460) was read, as follows:

*Resolved*, That the President be, and he is hereby, requested, if not incompatible with the public interests, to transmit to the Senate such data and information as he may have relating to the acquisition of what is known as the Amory oil concession to certain subjects of Great Britain in Costa Rica, the time and manner of the acquisition of such concession, its extent, and the present status of the controversy between the Governments of Great Britain and Costa Rica relative to the same, including particularly a copy of a letter—if such is in the possession of our Government—written by a British subject to a certain Dr. Uribe in Costa Rica, purporting to give certain facts relative to the acquisition of said concession; also such data and information as may be available touching another oil concession known as the Pinto-Freulich concession, the time and manner of its acquisition, its extent, and its present status.

Secondly, such data and information as may be available relative to the visit of Mr. Bennett, British minister to Costa Rica lately made,

and the note which he dispatched to the Costa Rican Government demanding an adjustment of the Amory oil concession and certain other claims of British subjects.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. GORE. Mr. President, I hope the resolution will be agreed to.

The resolution was considered by unanimous consent and agreed to.

#### NATIONAL LOANS TO BELGIUM (S. DOC. NO. 413).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Foreign Relations:

*To the Senate and House of Representatives:*

I herewith call your attention to an agreement with Belgium made by the British and French premiers and myself, which is embodied in the following letter:

JUNE 16, 1919.

M. HYMANS,

*Ministre des Affaires Etrangères, Hotel Lotté, Paris.*

SIR: The Reparation Clauses of the draft Treaty of Peace with Germany obligate Germany to make reimbursement of all sums which Belgium has borrowed from the Allied and Associated Governments up to November 11, 1918, on account of the violation by Germany of the Treaty of 1839. As evidence of such an obligation Germany is to make a special issue of bonds to be delivered to the Reparation Commission.

Each of the undersigned will recommend to the appropriate governmental agency of his Government that upon the delivery to the Reparation Commission of such bonds his Government accept an amount thereof corresponding to the sums which Belgium has borrowed from his Government since the war and up to November 11, 1918, together with interest at 5 per cent unless already included in such sums, in satisfaction of Belgium's obligation on account of such loans, which obligation of Belgium's shall thereupon be canceled.

We are, dear Mr. Minister,

Very truly yours,

G. CLEMENCEAU.  
WOODROW WILSON.  
D. LLOYD-GEORGE.

In recommending to you that Congress take appropriate action with regard to this agreement, certain facts should be brought to your attention.

The neutrality of Belgium was guaranteed by the Treaty of London of 1839. In considering the reparation to be made by Germany it was agreed that the action of Germany in grossly violating this Treaty by an attack on Belgium, obligated the German Government under international law to repay to Belgium the costs of war. On this principle the Treaty of Versailles (Art. 232) provided that in accordance with Germany's pledges already given as to the complete restoration for Belgium, Germany should undertake, in addition to the compensation for material damage, to make reimbursement of all sums which Belgium had borrowed from the Allied and Associated Governments up to November 11, 1918, together with interest at 5 per cent per annum on such sums. This obligation was to be discharged by a special issue of bearer bonds to an equivalent amount payable in gold marks on May 1, 1923, or at the option of the German Government on the 1st of May in any year up to 1926.

For various reasons the undertaking defined in the above letter was not embodied in the Treaty. Belgium's obligations to the United States for advances made up to the date of the Armistice amounted to approximately \$171,000,000, and to England and France they amounted, I am informed, to about \$164,700,000. In view of the special circumstances in which Belgium became involved in the war and the attitude of this country toward Belgium, it was felt that the United States might well agree to make the same agreement respecting pre-Armistice loans to Belgium as England and France offered to do.

Advances made by the Treasury to the Belgian Government from the beginning of the war to the Armistice amounted to \$171,780,000. This principal sum, however, includes advances of \$499,400 made to enable the Belgians to pay the interest due November 15, 1917, and \$1,571,468.42 to enable the payment of the interest due May 15, 1918. The interest on the advances has been paid up to April 15, 1919, the interest due from May 15, 1918, to that date having been paid out of the Treasury loans for which the United States holds Belgian obligations, which, however, were made after November 11, 1918, the date of the Armistice. This latter advance would not come within the terms of the agreement above mentioned. If, therefore, the United States accepts payment of Belgian obligations given before the Armistice by receiving a corresponding amount of German obligations, it would seem that it should receive German obligations amounting to \$171,780,000 with interest from April 15, 1919.

Although it is understood that England and France will take their share of the German bonds when received by Belgium, I am informed that the Reparation Commission has not as yet

finally determined the details of the issuance of the necessary bonds by the German Government. A recommendation at this time that suitable legislative action should be taken may appear somewhat premature, but in view of the approaching termination of my Administration I have brought this matter to your attention, hoping that suitable action may be taken at the appropriate time.

WOODROW WILSON.

THE WHITE HOUSE,

22 February, 1921.

#### HOUSE BILLS REFERRED.

The following joint resolution and bills were severally read twice by their titles and referred as indicated below:

H. J. Res. 465. Joint resolution for the appointment of one member of the Board of Managers of the National Home for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

H. R. 15662. An act to extend temporarily the time for filing applications for letters patent, for taking actions in the United States Patent Office with respect thereto, for the reviving and reinstatement of applications for letters patent, and for other purposes; to the Committee on Patents.

H. R. 16043. An act to authorize the incorporation of companies to promote trade in China; to the Committee on the Judiciary.

H. R. 8032. An act to provide for the erection of memorials and the entombment of bodies in the Arlington Memorial Amphitheater, in Arlington National Cemetery, Va.; to the Committee on the Library.

H. R. 11307. An act to amend section 5146 of the Revised Statutes of the United States, in relation to the qualifications of directors of the National Banking Association; to the Committee on Banking and Currency.

#### AMENDMENT OF TRADING WITH THE ENEMY ACT.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4897) to amend section 9 of an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, as amended, which was to strike out all after the enacting clause and insert:

That subdivisions (2) and (3) of subsection (b) of section 9 of an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, as amended, be, and hereby are, amended so as to read as follows:

"(2) A woman who, at the time of her marriage, was a subject or citizen of a nation which has remained neutral in the war, or of a nation which was associated with the United States in the prosecution of said war, and who, prior to April 6, 1917, intermarried with a subject or citizen of Germany or Austria-Hungary and that the money or other property concerned was not acquired by such woman, either directly or indirectly, from any subject or citizen of Germany or Austria-Hungary subsequent to January 1, 1917.

"(3) A woman who, at the time of her marriage, was a citizen of the United States and who, prior to April 6, 1917, intermarried with a subject or citizen of Germany or Austria-Hungary, and that the money or other property concerned was not acquired by such woman, either directly or indirectly, from any subject or citizen of Germany or Austria-Hungary subsequent to January 1, 1917."

Mr. NELSON. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

#### WILHELM ALEXANDERSON—CONFERENCE REPORT.

Mr. SPENCER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 12634) for the relief of Wilhelm Alexanderson, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

SELDEN P. SPENCER,  
HENRY W. KEYES,

*Managers on the part of the Senate.*

G. W. EDMONDS,  
E. C. LITTLE,

*Managers on the part of the House.*

Mr. SPENCER. I ask that the report be agreed to.  
The report was agreed to.

#### JOHN E. MOORE CO.—CONFERENCE REPORT.

Mr. SPENCER. I present one other conference report of the same type.

Mr. TOWNSEND. I do not object if it does not take any longer than the other report, but we have fixed an hour to vote to-day and there are several Senators who would like to have an opportunity to speak on the bill before the Senate. The Senator from Wisconsin [Mr. LA FOLLETTE] has not finished his address, and I do not feel that it is fair to the Senate to allow

business to intervene at this time which will at all interfere with the order.

Mr. SPENCER. I will say to the Senator that if it takes any time I will let it go over.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 11572) for the relief of the John E. Moore Co. having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

SELDEN P. SPENCER,  
HENRY W. KEYES,  
*Managers on the part of the Senate.*  
G. W. EDMONDS,  
E. C. LITTLE,  
*Managers on the part of the House.*

The report was agreed to.

#### PRIVATE PENSION BILLS.

Mr. McCUMBER. I ask unanimous consent that all private pension bills upon the calendar be rereferred to the Committee on Pensions.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The bills recommitted to the Committee on Pensions are as follows:

S. 4985. A bill granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors;

S. 5002. A bill granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

H. R. 13944. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 14063. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors;

H. R. 15196. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 15546. An act to repeal certain portions of an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved June 5, 1920;

H. R. 15661. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 15900. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 15901. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

#### PAYMENTS DUE RAILROAD COMPANIES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15836) to amend the transportation act, 1920.

[Mr. LA FOLLETTE resumed and concluded the speech begun by him yesterday. See Appendix.]

The PRESIDING OFFICER (Mr. CURTIS in the chair). The question is on the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE], which the Secretary will read.

The READING CLERK. The Senator from Wisconsin moves, on page 2, after line 21, to insert:

(c) That no payment of money shall be made to any railroad company under this act except and until it shall be determined by the Interstate Commerce Commission, upon full investigation, and finding duly entered thereon, certifying (1) that such railroad company has not, since March 1, 1920, paid or contracted to pay unreasonable and extravagant prices for railway supplies, equipment, repairs, and renewals charged to its maintenance account, or (2) that it has not paid or agreed to pay unreasonable sums as salaries to its officers or directors, or (3) that it has not otherwise managed and conducted its business in a dishonest, inefficient, or uneconomical manner in violation of the terms of the transportation act of 1920.

Mr. LA FOLLETTE. I demand the yeas and nays on agreeing to the amendment.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). I have a general pair with the junior Senator from South Dakota [Mr. JOHNSON]. I transfer my pair to the junior Senator from Vermont [Mr. PAGE] and vote "nay."

Mr. HARRISON (when his name was called). I am paired with the junior Senator from West Virginia [Mr. ELKINS]. I have been unable to get a transfer, and not knowing how the junior Senator from West Virginia would vote on the pending question, I withhold my vote.

Mr. POMERENE (when his name was called). I have a general pair with the senior Senator from Iowa [Mr. CUMMINS], but I understand that if present he would vote as I intend to vote. Therefore I feel privileged to vote and I vote "nay."

Mr. SMITH of Maryland (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. DILLINGHAM]. I understand, however, that he would vote as I shall vote, and I feel at liberty to vote. I vote "nay."

Mr. TOWNSEND (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. I think he would vote as I am going to vote, but I shall take no chances. I transfer my pair to the senior Senator from Vermont [Mr. DILLINGHAM] and vote "nay."

The roll call was concluded.

Mr. EDGE. I transfer my general pair with the junior Senator from Oklahoma [Mr. OWEN] to the senior Senator from Connecticut [Mr. BRANDEGEE] and vote "nay."

Mr. GLASS. I have a general pair with the senior Senator from Illinois [Mr. SHERMAN]. In his absence I withhold my vote.

Mr. KIRBY. I have a general pair with the junior Senator from New Hampshire [Mr. KEYES]. In his absence I withhold my vote.

Mr. HENDERSON. I have a general pair with the junior Senator from Illinois [Mr. McCORMICK], which I transfer to the senior Senator from Nebraska [Mr. HITCHCOCK] and vote "nay."

Mr. LODGE (after having voted in the negative). I have a general pair with the Senator from Georgia [Mr. SMITH], but on this bill and all questions pertaining to it I am at liberty to vote. I will, therefore, allow my vote to stand.

Mr. TRAMMELL. The Senator from Rhode Island [Mr. COLT], with whom I am paired, is not present. I transfer my pair to the Senator from Massachusetts [Mr. WALSH] and vote "yea."

The PRESIDING OFFICER (Mr. CURTIS). I wish to announce that the Senator from New Hampshire [Mr. KEYES] is absent on official business. If present, he would vote "nay." He is paired with the Senator from Arkansas [Mr. KIRBY].

I desire also to announce that the Senator from New Mexico [Mr. FALL] is paired with the Senator from Wyoming [Mr. KENDRICK], and that the Senator from Pennsylvania [Mr. PENROSE] is paired with the Senator from Mississippi [Mr. WILLIAMS].

The result was announced—yeas 19, nays 47, as follows:

#### YEAS—19.

Ashurst	Gore	King	Sheppard
Borah	Gronna	La Follette	Simmons
Chamberlain	Harris	McKellar	Stanley
Culberson	Johnson, Calif.	Overman	Trammell
Fletcher	Kenyon	Phelan	

#### NAYS—47.

Ball	Hale	New	Sutherland
Beckham	Henderson	Phipps	Swanson
Calder	Jones, N. Mex.	Poindexter	Thomas
Curtis	Jones, Wash.	Pomerene	Townsend
Dial	Kellogg	Ransdell	Underwood
Edge	Knox	Reed	Wadsworth
Fernald	Lenroot	Shields	Walsh, Mont.
France	Lodge	Smith, Md.	Warren
Frelinghuysen	McLean	Smith, S. C.	Watson
Gay	Moses	Smoot	Willis
Gerry	Myers	Spencer	Wolcott
Gooding	Nelson	Sterling	

#### NOT VOTING—30.

Brandegge	Harrison	McCumber	Robinson
Capper	Heflin	McNary	Sherman
Colt	Hitchcock	Newberry	Smith, Ariz.
Cummins	Johnson, S. Dak.	Norris	Smith, Ga.
Dillingham	Kendrick	Owen	Walsh, Mass.
Elkins	Keyes	Page	Williams
Fall	Kirby	Penrose	
Glass	McCormick	Pittman	

So Mr. LA FOLLETTE's amendment was rejected.

The PRESIDING OFFICER. The bill is still in Committee of the Whole and open to amendment.

Mr. STANLEY. I move to strike out subsection (b) of the bill after the words "Section 209," in line 10, page 2.

The PRESIDING OFFICER. The Senator from Kentucky offers an amendment, which will be stated.

The READING CLERK. On page 2, strike out lines 11 to 21, inclusive, which read as follows:

(b) In ascertaining the several amounts payable under either of such sections the commission is authorized, in the case of deferred debits and credits which can not at the time be definitely determined, to make, whenever in its judgment practicable, a reasonable estimate of the net effect of any such items and, when agreed to by the carrier or express company, to use such estimate as a definitely ascertained amount in certifying amounts payable under either of such sections, and such estimates so agreed to shall be prima facie but not conclusive evidence of their correctness in amount in final settlement.

Mr. STANLEY. Mr. President, it is admitted that 90 per cent of all claims made by the railroads may be definitely ascertained at this time—all operating charges, all contracts about which there is no contention. In addition to that there are a number of claims pending in the nature of lis pendens. There are thousands of cases now unadjudicated in the courts—damage suits, questions on the interpretation of contracts, on the value of services performed, or the quality of materials furnished. These are not questions cognizable for the Interstate Commerce Commission.

The great strength, the one thing upon which we depend in this hour of trial for the railroads, is the implicit faith of the country at large in the wisdom and the fairness and the justice and the incorruptibility of the Interstate Commerce Commission. The Interstate Commerce Commission has all that it can do. It can not, if it would, transform itself into a court, and, Mr. President, it should not if it could. Those who are familiar with the history of the growth of the jurisdiction of the Interstate Commerce Commission over the conduct of railroads remember the old contention that the Interstate Commerce Commission should not exercise a purely judicial function.

Now, to illustrate: A has suffered damage by reason of some personal injury and has sued corporation B for so many thousand dollars. This bill provides that the Interstate Commerce Commission shall go into a voluminous record touching the quantum of personal injuries and shall find out how much A ought to recover, and then shall determine that amount, and, if the railroad agrees to it, it shall be prima facie evidence that a case in court has been justly settled.

The Interstate Commerce Commission has no process whatever; it is not equipped to try such cases; it is not equipped to pass on the delicate questions of law; it is not equipped to cross-examine witnesses and to pass upon complicated questions of fact. To impose upon the Interstate Commerce Commission the stupendous task of sitting as a court and passing upon thousands of suits now pending in various parts of the country is, to my mind, absurd.

In addition to that, Mr. President, there is nothing to be gained by it. Under subsection (a) of this bill, just at the minute the railroad can definitely determine what is due it, we shall have established a method by which it can be paid without delay. If A has a suit against the Baltimore & Ohio or the Pennsylvania Railroad Co. and a judgment is rendered against them and the railroad agrees that that judgment is final, that judgment may be brought to the attention of the Interstate Commerce Commission, so much money due, and it can issue a certificate, and that settles it. As fast as the courts now instituted for that purpose pass without additional expense upon cases now pending before them, their judgment will automatically be filed with the Interstate Commerce Commission and those cases will be settled. To allow the Interstate Commerce Commission to exercise a purely judicial function, to usurp the province of the courts—a power that has never before been intrusted to it—would establish a dangerous precedent.

In addition to the viciousness of the precedent, it would be a waste of the valuable time of the commission and would not materially relieve the courts. All that has to be done under section (a), for which I voted and of which I heartily approve, is to permit the unliquidated damages to be determined, the undecided cases to be decided, and automatically the claims may be adjusted. To convert the Interstate Commerce Commission into a guessing school, to have it make estimates of the amounts that are due the various railroads or the amounts that the railroads owe to various litigants, if the matter is to be judicially determined, will involve as much additional work as the commission is now performing. If those amounts are to be roughly guessed at it will mean injustice either to the people or to the carriers. The railroads are, or ought to be—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STANLEY. I did not know there was a time limit. I ask unanimous consent to be allowed to proceed for five minutes longer.

The PRESIDING OFFICER. Under the unanimous-consent agreement the Senator from Kentucky is limited to 10 minutes.

Mr. STANLEY. Very well.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Kentucky [Mr. STANLEY].

Mr. TOWNSEND. Mr. President, I do not think it is necessary for me to offer any answer to the argument which has been made, and I am as anxious as anyone can be to dispose of the pending measure in order that the Agricultural appropriation bill may be considered, but I will say that paragraph (b) was suggested by the Interstate Commerce Commission. The Senate committee included in its bill originally a provision to the effect that the Interstate Commerce Commission might negotiate an agreement with the railroads which should be conclusive. It went to the House, and the House changed "conclusive" to "prima facie," and your committee, knowing that if this bill is to become a law it must not be sent to conference and thus be subject to renewed discussion when the conference report comes to the two Houses, felt that it was the part of wisdom to agree to what the House had done.

This is the object of it—and I say this as applying to other suggestions that have been made on the subject: In the first place, the bill provides only for the certification of payment of amounts definitely determined as belonging to the railroads and appropriated therefor by Congress. That means that the Interstate Commerce Commission will offset every possible claim of the hundreds that the Senator from Wisconsin [Mr. LA FOLLETTE] has mentioned by withholding a sufficient amount from the railroads to cover any possible emergency that might involve the Government in loss. The commission felt that if it were authorized to negotiate with the railroads, if it had the right to consider all of the proposed claims which might be pending or which were at all probable, it could thus secure a quick and final settlement—the very thing which the Senator from Wisconsin most desires.

This provision only gives the commission the right to negotiate with the railroads on their pending claims or any proposition for a claim and thus determine as to what amount should be paid in final settlement of all of these claims. This plan can not result in loss to the Government. It is possible it may result in gain.

Your committee believed, Mr. President, that it was a wise thing for us to do, and I repeat, unless there is great and fundamental objection to this kind of a proposition, those Senators who desire to terminate this measure at this session of Congress can not well afford to send it to conference and thus subject it to the debate which will occur in both Houses by the minority who are opposed to the pending legislation under any conditions. Therefore I ask, unless it is clearly shown to be necessary for good legislation, that no amendments shall be adopted at this time.

Mr. KELLOGG. Mr. President, I desire to say merely a word or two. Your committee spent many days considering this subject. This provision of the bill, subdivision (b) was not suggested by the railroads, but was urged by the Interstate Commerce Commission. Mr. Commissioner Clark explained that there were damage suits for personal injuries and suits for overcharges of freight and for damage to freight pending or which might be pending in the courts. Of course the total amount would be small as compared with the total due to the railroads.

Mr. STANLEY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Kentucky?

Mr. KELLOGG. I will answer a question, but I have not much time.

Mr. STANLEY. I hope the interruption will not be taken out of the Senator's time. The Senator is a great lawyer and I wish to ask him this question: Has any act of Congress creating the Interstate Commerce Commission or enlarging its powers ever authorized it to exercise a purely judicial function and pass on the relative rights of the railroad and a litigant in a damage suit?

Mr. KELLOGG. I can not yield further, but I will answer that question. The original act taking over the railroads gave the President a greater power to settle with the railroads in regard to disputed claims than this bill gives to the Interstate Commerce Commission in settling such questions with the railroads.

Mr. STANLEY. That is not my question.

Mr. KELLOGG. I can not yield further to the Senator; I am sorry.

The PRESIDING OFFICER. The Senator from Minnesota declines to yield.

Mr. KELLOGG. Mr. Commissioner Clark explained that the total amount of the claims was small as compared with the total amount due the railroads; that the amount of these claims would not decrease the amount due the railroads but would only increase it, and it was in the interest of the public to give the commission power, instead of holding these small claims up through years, perhaps, of litigation, to make an adjustment, which they could make with absolute safety to the public. Of course they would not pay over any money to the railroads without reserving a sufficient sum to protect the Government against all possible claims. When we remembered that these claims would only increase the amount due the railroads instead of decreasing it, we felt as though it was in the interest of economy and in the interest of the public to permit this power to be reposed in the commission. It is not as great a power as we conferred upon the President and his Director General to settle with the railroads the disputed claims during the two years of Government operation.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Kentucky. [Putting the question.] By the sound the "noes" seem to have it, and the amendment is rejected.

Mr. STANLEY. I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. POMERENE. Mr. President, I beg the indulgence of the Senate for just a few minutes.

The question here, the principal question, is simply this: Assuming that there is a debt of \$10,000,000 concededly due from the Government to a railroad company, and there is another debt of \$100,000, which is disputed, and honestly disputed, should the Government refuse to pay any of the \$10,000,000 until after the other \$100,000 claim is settled?

Under the holding of a local court the Government was not obliged to and could not, so it was claimed, pay any part of it until the entire indebtedness was determined. The pending bill is simply for the purpose of enabling the Government to pay its debt as it is known and determined. As a result of the failure to pay these debts the railroads have not been able to pay their material men; they have not been able to pay for new equipment; they have not been able even to pay for their coal.

I have in my office a letter from one of the large coal companies of Cleveland in which they tell me that the New York Central Railroad Co., the Pennsylvania Railroad Co., and the Baltimore & Ohio Railroad Co. owe them very large sums of money, and they are not able to get a dollar upon these claims. As a result they are very much embarrassed.

And now, if I may take a moment to answer some of the statements which were made here yesterday and perhaps to-day with regard to the enormous profits, and so forth, which the railroads have made under existing freight and passenger rates, I want to call the Senate's attention to a statement which I received this morning from the Secretary of the Interstate Commerce Commission. It comes in answer to a telephonic message from me. The figures have been tabulated by Dr. Lorenz, Chief of the Bureau of Statistics of the Interstate Commerce Commission. I expect to introduce into the Record this statement as it comes to me from the Interstate Commerce Commission, but before I do so I want to call the attention of the Senate briefly to just a few figures contained in the statement to indicate the earnings and the expenditures of the railroads.

In 1917 the operating revenues of all of the class I roads were \$4,050,463,579.

In 1920 the operating revenues were \$6,213,489,049.

In 1917 the operating expenses were \$2,858,212,210.

In 1920 they were \$5,810,970,021.

In 1917 the ratio of operating expenses to operating revenues was 70.57 per cent.

In 1920 the ratio of operating expenses to operating revenues was 93.53 per cent.

In other words, of their gross earnings there would be less than 7 per cent with which to pay taxes and interest on bonds and possible dividends.

If I may go further, figured on the basis of the traffic of 1917, the increase in operating revenues for the year 1920 over 1917 was \$2,600,000,000; but let us look at the other side of the ledger.

The increase in wages alone for the year 1920 over 1917 was \$2,156,417,594.

The increase in the cost of fuel to the railroad companies in 1920 over 1917 was \$200,000,000.

The increase in taxes for 1920 over 1917 was \$60,000,000.

So you see that nearly the entire increase in revenues was consumed by the increase in wages, the increase in coal, and

the increase in taxes; and I have said nothing whatsoever about the increase in materials.

Mr. President, I do not care to take further time; but I think that if Senators want to know what the facts are they will be interested in having this communication read, and I therefore send it to the desk and ask that it may be read.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The reading clerk read as follows:

INTERSTATE COMMERCE COMMISSION,  
BUREAU OF STATISTICS,  
February 21, 1921.

Memorandum regarding increases in revenues and expenses of steam roads since 1917.

The revenues and expenses as shown by the monthly reports of Class I roads, 1917 to 1920, are as follows:

Calendar year.	Operating revenues.	Operating expenses.	Net operating income.	Operating ratio.
1917.....	\$4,050,463,579	\$2,858,212,210	\$974,778,637	70.57
1918.....	4,926,593,957	4,017,209,501	693,111,170	81.54
1919.....	5,184,230,244	4,419,988,750	515,793,287	85.26
1920.....	6,213,489,049	5,810,970,021	67,823,711	93.53

It will be seen that in spite of an increase of over \$2,000,000,000 in operating revenues, the net return has been nearly eliminated because of an increase of about \$3,000,000,000 in operating expenses. This is reflected by the increase in the operating ratio.

The volume of traffic in 1917 was slightly below that of 1918 and 1920, but somewhat greater than that of 1919. The principal source of the increased revenues is from the increase in rates. Certain increases granted by the commission in 1917 became operative for the full year 1918, but the general increase effective in June, 1918, of 25 per cent in freight rates, was reflected in the revenues of that year for only the last half of the year. In 1919 no general increases were made. In the calendar year 1917 Class I roads received an average revenue per ton mile of 7.15 mills, while in 1919 the corresponding figure was 9.73 mills, an increase of 2.58 mills per ton mile. Applied to the total freight traffic of 1917, namely, 394,465,400,493 ton miles, the increased freight charges per annum over the basis existing in 1917 amounted to approximately \$1,017,720,000. In 1920 the increase in freight rates was made applicable late in August. While this increase has been estimated at 33 1/3 per cent, the statistics do not indicate that the increase realized has been as great as that. Taking an increase over 1919 of 30 per cent for illustration, the increase would be 2.919 mills per ton mile, which when applied to the traffic of 1917 would produce approximately \$1,151,440,000.

Passenger fares were also increased in June, 1918, and again in August, 1920. In 1917 the average revenue was 2.000 cents per passenger mile, as against 2.541 cents in 1919, an increase of 4.51 mills. Applied to the traffic of 1917, or 39,476,858,549 passenger miles, this amounts to approximately \$178,000,000 annually. The increase allowed in 1920 was 20 per cent. Reports available at this time indicate that an average increase of 4.6 mills per passenger mile was realized. Applied to the 1917 traffic as above, the increased annual revenue amounts to \$181,589,000. There has also been added a surcharge on Pullman travelers for the benefit of the railroads, amounting to perhaps \$25,000,000 annually, and an increase in compensation for carrying the mail yielding about \$45,000,000 annually.

The increases above mentioned total nearly \$2,600,000,000 annually on the basis of the traffic of 1917.

On the side of expenses, wages are the principal source of increase. Increases were granted in 1918 and made retroactive to January 1 of that year. Further increases were granted from time to time by the Director General of Railroads, and there was an increase of about 22 per cent in July, 1920, granted by the United States Railroad Labor Board, the increase being made retroactive to May 1, 1920. According to statistics published by the Interstate Commerce Commission for the first six months of 1920, the pay roll of Class I roads without any of the increase granted by the Labor Board was \$1,596,680,268, which, for 12 months would have been \$3,193,360,536. The actual pay roll in 1917 was \$1,739,482,142, an increase of \$1,453,878,394. Twenty-two per cent of the \$3,193,360,536, is \$702,539,200. This added to the \$1,453,878,394 gives a total increase in wages over the 1917 basis of \$2,156,417,594.

It may further be assumed that the fuel consumed in 1917 would, at the prices paid by railroads in 1920, have cost \$200,000,000 additional annually. Increased taxes account for about another \$60,000,000. In addition there were increases on materials, the amount of which can not be given at this writing.

It should be said that all of the figures showing the results of increases in rates and costs are subject to revision, and are given at this time merely to illustrate roughly where the increased revenue came from and where it went. No statement can be made at this time as to the extent to which the roads were under or over maintained during 1920.

If the rates granted in August had been in effect during the whole year 1920, the roads would have made a better showing. What showing will be made in 1921 depends so much on the extent to which traffic revives and to what extent economies in expenditure can be effected that it is quite impossible to make a prediction. It may be noted, however, that in October, 1920, the best month under the new rates and fares and under the new wage schedules, the net railway operating revenue was \$86,455,487.

The PRESIDING OFFICER. Are there further amendments as in Committee of the Whole? If not, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENT OF FEDERAL RESERVE ACT.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S.

4683) to amend section 11 (m) of the act approved December 23, 1913, known as the Federal reserve act, as amended by the acts approved September 7, 1916, and March 3, 1919, which was, to strike out all after the enacting clause and insert:

That section 11 of the act approved December 23, 1913, known as the Federal reserve act, as amended, be further amended by striking out the whole of subsection (m), and by substituting therefor a subsection to read as follows:

"(m) Upon the affirmative vote of not less than five of its members the Federal Reserve Board shall have power to permit Federal reserve banks to discount for any member bank notes, drafts, or bills of exchange bearing the signature or indorsement of any one borrower in excess of the amount permitted by section 9 and section 13 of this act, but in no case to exceed 20 per cent of the member bank's capital and surplus: *Provided, however,* That all such notes, drafts, or bills of exchange discounted for any member bank in excess of the amount permitted under such sections shall be secured by not less than a like face amount of bonds or notes of the United States issued since April 24, 1917, for which the borrower shall in good faith prior to January 1, 1921, have paid or agreed to pay not less than the full face amount thereof, or certificates of indebtedness of the United States: *Provided further,* That the provisions of this subsection (m) shall not be operative after October 31, 1921."

Mr. McLEAN. I move that the Senate concur in the House amendment.

Mr. GRONNA. Mr. President, as a member of the committee, I should like to know from the chairman of the committee what changes were made by the House.

Mr. McLEAN. I will say to the Senator that this bill merely extends the time for which the Federal reserve banks may discount eligible paper that is secured by Government bonds. In the Senate bill the time was extended to the 1st of January, 1922. This amendment extends it to the 31st of October next.

The PRESIDING OFFICER. The question is on the motion of the Senator from Connecticut that the Senate concur in the House amendment.

The motion was agreed to.

#### AGRICULTURAL APPROPRIATIONS.

Mr. GRONNA. Mr. President, I move that the Senate resume the consideration of the Agricultural appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15812) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1922.

#### BERNARD M. BARUCH AND JOHN D. RYAN.

Mr. THOMAS resumed and concluded the speech begun by him earlier in the day. The entire speech is as follows:

Mr. President, the CONGRESSIONAL RECORD of yesterday contains a very bitter attack upon two prominent and reputable citizens of the United States, whose services to their country during the late war were conspicuous and invaluable. The details of this attack have been distributed all over the United States by the Associated Press, and the people of the country are by this time familiar with them. The substance or basis of this attack reveals nothing of a novel character, but consists of a repetition of charges made heretofore, and its alleged justification rests upon a newspaper criticism of the author of the attack, who has seen fit to resent and to denounce it by turning his own vocabulary of abuse upon these two gentlemen. I regret very much, Mr. President, that any Member of either House should take advantage of his high position and under its privileges to spread in the RECORD of congressional proceedings charges which, if true, should be exposed and their authors punished by the proper authority; charges which, if false, inflict cruel, unjust, unwarrantable, and incalculable pain and injury upon their victims.

I am morally certain that these charges can not be true, and but for the obvious rules of propriety, which limit criticisms of Members of either House by Members of the other, I should be constrained to speak more strongly concerning this subject than under the circumstances is possible; as strongly, indeed, Mr. President, as I do characterize it as a private citizen, beyond the confines of the Senate Chamber.

A few days ago the country was startled by the charge that Mr. Charles M. Schwab, who had been requested to assume and who had assumed charge of our shipping construction activities, had received for personal expenses the sum of \$269,000 from the public funds, and that the voucher or the account had either strangely disappeared or could not be accounted for, or had been mysteriously manipulated. That furnished a 10-days' sensation to the press, and this man's good name was bandied from lip to lip in terms of disgust and contempt. In many instances he was denounced as a thief, and it is not surprising that upon his appearance before the committee to vindicate himself he lost control of his emotions and burst into tears as he mentioned the cruel reflection upon his good name and business reputation.

Mr. President, modern public opinion seems to have reversed the old presumption of innocence, and has placed the burden

of proof upon every man charged with criminal misconduct, however malicious the charge or however irresponsible the maker of it, who must pass the rest of his life with a blasted reputation unless he is able to sustain the burden and vindicate himself beyond reasonable doubt. Even then he must listen to the whisperings of malice and of enemies to his dying day. I do not believe that a more sincere patriot exists in America than Charles M. Schwab, nor a man who did more for his country and made greater sacrifices during the war, the soldiers alone excepted, than this distinguished citizen of the great State of Pennsylvania. The committee of investigation unanimously exonerated him from the charge, Democrats and Republicans alike joining in this tribute to his integrity and his character, and the Nation has approved that vindication. If they have not, they should do it forthwith. The ignominy cast upon him was more than an affront. It was a moral and political crime.

Mr. Schwab is a Republican. I do not mean to say that his vindication was due to that circumstance, but it is a singular fact that Bernard M. Baruch and John D. Ryan, equal in their patriotism and integrity to Mr. Schwab, both of whom have also been investigated, have not been similarly acquitted, as they should be, affiliate with the Democratic organization. Can it be that the investigations of the conduct of the war which have microscopically examined everything of a semisuspicious character, whether of fact or of rumor, are too eager to discover mere political material to do justice to the good name of every man prominently concerned for his country during the world conflict and whose reputations are the most precious of all their possessions?

More than a year ago I placed in the CONGRESSIONAL RECORD the answer of Mr. John D. Ryan to the charges and insinuations then made against him, a fact which the public has long since forgotten, while the charges against his integrity are still active and in public circulation. I have known Mr. Ryan ever since he was a young man just starting out in the world to earn a living. He was then a citizen of my State engaged in the oil business and representing an independent oil concern. He was then clean and capable as he has been ever since. From that humble position through the sheer force of his abilities and his energy as a man and as a citizen he advanced from post to post until he has become one of the great business captains of his generation, and a shining mark for the envenomed shafts of malice and falsehood.

Mr. President, I have just been informed of an arrangement for the morning of which I was ignorant; hence I shall yield the floor in a moment. But I shall resume the subject before the session closes. Let me say before I take my seat that I know of no more patriotic class of citizens evolved by the war than the dollar-a-year men, men who left their own enterprises and their own businesses and flocked to the city of Washington, who freely gave their time, their experience, their intelligence to the welfare of the Nation, and with one or two exceptions so performed their duties as to demand the grateful appreciation of their countrymen. Before I take my seat I must also pay my tribute to the high character, the spotless integrity, and the disinterested patriotism of Mr. Baruch. I do not hesitate to say that he contributed individually as much as, if not more, than any single individual to the vigorous and successful prosecution of the war. In discharging the great responsibilities placed upon him he met all personal expenditures out of his own pocket. He is millions of dollars poorer with the close of the war than at its beginning, and he would disdain to make any claim against the Government for his disbursements. He is able because of the men who know and believe in him to bear with serene composure these monstrous charges against his integrity as a man and an administrator. No man enjoying the immunity of privilege should from his high position denounce the helpless citizen—who has neither recourse to the courts against him for the vindication of his character nor for damages to his reputation—unless he be justified by personal knowledge of the facts, and only then because required in the discharge of an inexorable public duty to do so.

This is especially true when the object of the charge is personally unknown to him who makes it. And that is here an expressly admitted fact. It is easy to loosen the floodgates of denunciation, to accuse others of crimes, of treason, and official misprision; yet wholly impossible to restrain their consequences albeit their victim be guiltless and wholly wronged. Yet all of us are prone to do this. Hardly a day passes that we do not denounce some nation or some official in terms of opprobrium which our sober reflection condemns. It is wrong, it is indefensible, it is cowardly, and in the case of nations it may prove dangerous.

Mr. President, the specific charge reiterated against Mr. Baruch yesterday is that his—

Baruch's reputation as a man of integrity in the business world, an efficient war administrator of honor, and a private citizen of distinguished position is not liable to suffer from the grotesque attack of WILLIAM E. MASON, Illinois Member at large of the House of Representatives and unequaled notoriety seeker in Congress. He first says that Mr. Baruch, as chairman of the War Industries Board, "stole \$50,000,000 in copper alone," and then when called upon by Mr. Baruch to submit his evidence immediately to Congress and to the Attorney General of the United States refuses to do so now, but declares that he will amend his statement to read that "you and your associates stole \$200,000,000 in copper alone."

It so happened, Mr. President, that in 1917 my attention was drawn to an agreement which had been entered into between Mr. Baruch, as chairman of the War Industries Board, and representatives of the copper industry of America, some time during the early summer of 1917, which fixed the price for Government consumption at 16½ cents per pound, as against the then prevailing rate of over 26 cents per pound.

That arrangement, while beneficial to the Government, which had become the great consumer, threatened to close a number of small mining concerns which were making a small profit at the prevailing price, owing to the enormous increase in the cost of production. One of those mines was situated in the State of Utah, and, being requested by Mr. SMOOT, the senior Senator from that State, to accompany him, we interviewed Mr. Baruch, calling his attention to this drastic consequence of the fixation of that price for copper.

A few great companies would profit, not unduly, but profit considerably, under that arrangement, while a number of small concerns would necessarily go to the wall, and it was that condition, Mr. President, quite as much as any other, which resulted in a subsequent elevation of the price to a point under which the smaller producer could exist. The Senator from Utah, well posted regarding the industry, laid the facts and figures before the chairman, who reluctantly acknowledged their correctness. As a matter of course, he could not establish one price for the large and another price for the small producers.

I have no doubt, Mr. President, that the copper companies profited after the Government and its allies became practically the sole consumer of that metal.

The assertion, however, that the chairman of the War Industries Board was an owner of shares in any of these copper companies is wholly unfounded, for he divested himself of every interest the possession of which might conflict with the proper discharge of his duties in that great position, with the single exception of an interest in certain tungsten properties in the State of California, then regarded as of nominal value. This stock, however, earned large dividends during the year 1918, every dollar of which belonging to the chairman of the War Industries Board was by him turned over unconditionally to and impartially divided between those great semipublic organizations, like the Young Men's Christian Association, which were then ministering to the welfare and endeavoring to supply many of the needs of the American Expeditionary Force.

My recollection is that Mr. Ryan was identified with the Red Cross from the commencement of the war, and became actively identified with the Government, when, at the request of the President of the United States, he assumed control of aviation production. He also resigned his positions in those great business organizations with which he had long been identified, and in the upbuilding of which he had been largely conspicuous, to the end that he might devote his time unremittingly to the service of the Government. From that time on he, too, was disinterestedly engaged in doing his part toward the successful prosecution of the war.

During all that time many of those now hounding the administration were then engaged in obstructing the operation of the Government, were denouncing our war activities, and sometimes predicting its ultimate defeat.

Mr. President, what must be the effect of these malign reflections upon the public spirit of America, when, unhappily, we shall hereafter be engaged in other great conflicts involving the Nation's life, if men of genius and business ability and practical experience, who give their time to the service of their country, and serve it well, must encounter subsequent venomous denunciation, arraigned as criminals, investigated with microscopic avidity, and held up to the contempt, the indignation, and the hatred of mankind? I do not complain of fair, complete, impartial, and nonpolitical investigation. Such action is always helpful. But what possible inducement can be offered to the disinterested patriotism of the average citizen if, forsooth, he is to assume public activities in the public interest he must thereafter expect to be denounced as a scoundrel, branded as a criminal, and held up to the indignant contempt of the present and other generations? But one consequence can result from this malign practice. It must inspire the indifference of the men sorely needed in the hour of national travail not only to their own obligations, but to the country which they would but dare not serve.

Our allies do not treat their great men, either civilian or military, in that manner. On the contrary, for their great services they are rewarded by the grateful recognition of an appreciative country. I do not hesitate to say that if men like Schwab and Baruch and Ryan had been citizens of France or of Italy or of England, they would long ago have been knighted for their services and justly rewarded by a grateful people. At the close of the war Britain elevated Field Marshal Haig to the peerage.

Every honor, civic and military, was paid him. He received a stipend sufficiently large to make him comfortable for life. Thus France rewarded her great heroes Joffre and Foch, and she honored herself thereby. But when the gallant Pershing returned, flushed with victory, the pride of the entire Nation, the living embodiment of militant Americanism, the Congress of the United States met in joint session and permitted him to address them for half an hour. Has it ever done anything else? His promotion to the rank of General was grudgingly bestowed.

Such is the contrast between the reception and the treatment of our own great men and that of their compeers across the sea. Our civilians are flouted, suspected, accused, and libeled. Why, Mr. President, I can conceive of no more ignominious spectacle than the appearance before the assembled Senators and Representatives of the United States of the victorious General of our Armies, the hero of the greatest conflict known to history, and essaying the rôle of humble speaker to the Nation's Legislature, which up to this time have not even honored him with a sword or other material symbol in acknowledgment of his services and as a reward for the victories which he and the Army under him achieved.

Of course, corruption abounded during the war. That is true of every war in history and of every country engaged in war. It is an inescapable epidemic. I was reading a few nights ago some rather disgraceful chapters of the Civil War in Rhodes's history of the United States. He reveals a condition then prevailing more corrupt and more demoralizing than anything that has yet been revealed by a partisan investigating committee anxious to secure material aspersing the men then in charge of public affairs, military, naval, and political, during the war just ended. At that time a major general of the United States Army was involved. He used his high command to speculate in contraband goods. A Secretary of War was so involved that his resignation, if not demanded, was thankfully received. Contracts for materials were more shamelessly profiteered in than anything that has been revealed thus far in the recent war; but they have been forgotten. It is the immediate situation which inspires interest and arouses condemnation.

The main fact, which always survives inferior events in history, is the splendid result of that tremendous conflict. It vindicated the cause of the Union and changed us from a loose federation of States to a unified and splendid Republic. The time is not far distant when the outstanding fact that this administration fought and won the greatest war in history will overshadow every consideration, and the pestiferous insects infesting the country, stinging and goading the great figures of contemporary history, will have perished with the poisonous atmosphere that gave them birth. If they are remembered at all, they will be remembered as are a few traducers of the immortal Lincoln, whose history requires their occasional mention.

Mr. President, I have said all and perhaps more than is necessary. These men can not speak here for themselves. Albeit they can be traduced, vilified, and misrepresented with impunity, and the Record which embalms these charges should carry with it some remonstrance and some feeble words in appreciation of the services which they have rendered their country. It is their only recourse, as has been suggested by my friend the Senator from Ohio [Mr. POMERENE]. I would be recreant not only to my sense of justice but to the high opinion and the warm friendship which I entertain for both these great Americans if I sat silent at a time when their good names and their reputations are being assailed.

Mr. WALSH of Montana. Mr. President, as the name of a very distinguished citizen of my own State is coupled with the one who was the subject of the very eloquent address just concluded by the Senator from Colorado [Mr. THOMAS], I feel impelled to say a word.

Mr. John D. Ryan is charged jointly with Mr. Baruch in this theft of "\$50,000,000 in copper alone," as it is expressed. If Mr. John D. Ryan and his associate had had their way, I never would have been a Member of this body at all. They succeeded in keeping me out of it for two years. I am under no obligation to them whatever; but that fact does not deter me from saying that in my estimation Mr. Ryan, as well as Mr. Baruch, gave to it in the time of stress of the Government most valuable services in a spirit of the most exalted patriotism, for

which they are entitled to better treatment than has been accorded them.

From the time he quit after more than a year's arduous labor down to this day Mr. Ryan, particularly, has been hounded and assailed with accusations touching his motives in entering the public service and his acts while he was devoting himself unstintingly to it. The plain truth is that, like many other men of great capacity and success in business, moved by patriotic considerations when the war broke out, Mr. Ryan came to Washington and placed his great talents as a business organizer at the disposal of the American Red Cross, becoming its business manager, a position which would scarcely be chosen by one seeking an opportunity to profit, legitimately or otherwise, by the calamity into which the Nation had been plunged. He occupied that position until he was invited, when the country was aghast at the apparent collapse of the effort to produce aircraft in quantity, to take charge of the business end of the Air Service. If the results in that branch did not meet expectations, it was through no fault of his. Just as soon as the armistice was signed he tendered his resignation as Assistant Secretary of War and returned to his private business, having, as he thought, done all the service that he could in the crisis which was before us. The most urgent invitation was extended him to remain in the public service. I speak knowingly with respect to the matter. Yet he declined to do so, and the reward that has come to him has been as detailed by the Senator from Colorado. Not a word of recognition or appreciation has come from any source, except as some Members of the Senate or House have been moved by the attacks made upon him to say a word in commendation of his faithful service and of his devotion to the cause of his country.

So far as accusation touching copper is concerned, the plain truth has been repeatedly exposed upon the floor of both Houses of Congress. Copper was commanding in the market 32 or 33 cents a pound at the time a price on that commodity was fixed. By the ordinary procedure that was then being observed in the adjustment of prices, in order that the Government should not be subject to unjust exactions, an arrangement was made by which copper was offered to the Government at 23 cents a pound, and upon that basis purchases were made. Purchases, of course, were made from the company with which Mr. Ryan had been associated, the greatest producer of copper in the United States, as well as from other companies; but it is conceded that he had absolutely nothing to do with fixing the price, and if he did have anything to do with it there is no one who can assert that the price under all conditions was not fair and reasonable. Yet these gentlemen are subjected to these continued and continuing attacks upon the floor of one House of Congress where immunity is enjoyed. It is time that those who really appreciate the services that were rendered by the great big business men of the country during the war to marshal the assets and call out the material resources of the country for its successful prosecution should have something said in their defense and in their praise as well.

Mr. MYERS. Mr. President, I very heartily indorse all that the distinguished Senator from Colorado [Mr. THOMAS] has said about the treatment that has been accorded some of the great men, great leaders of industry, of the country who came to the aid of our country in its dark hour of distress during the World War, and the injustice that has been done them by accusations made in connection with the proceedings of some congressional committees and some words reported to have been spoken at times on the floor of the House of Representatives. I also agree very heartily with what the Senator from Colorado has said about the treatment that has been accorded by Congress to Gen. Pershing, who I am sure occupies a very warm spot in the hearts of true and loyal American citizens. I think it a very poor recompense for the great services that Gen. Pershing rendered and the high and responsible position that he occupied in the affairs of the world during that great conflict. I have felt a sense of shame about it ever since Gen. Pershing's return to this country, and I feel that it is treatment of which Congress should be ashamed. Gen. Pershing is entitled to a great deal more honor and recognition than he has received at the hands of Congress.

I am sure that all the Senator from Colorado [Mr. THOMAS] said about Mr. Baruch and Mr. Ryan is merited, and they merit much more than could be said of them. I know the tribute of the Senator from Colorado is merited, because I am acquainted with both of the gentlemen, Mr. Baruch and Mr. Ryan. I have no doubt that what the Senator from Colorado said about Mr. Schwab is merited, too, although I do not have the honor of his acquaintance. I agree also with the very just tribute which my able colleague [Mr. WALSH of Montana] has paid to the high standing and integrity of Mr. John D. Ryan, a resident of the State

of Montana, whom I have long known, and the very able and distinguished services which he rendered his country most unselfishly in time of war at a great personal sacrifice to himself. Mr. Ryan is a gentleman of the highest standing; one whose integrity is beyond question with all who know him. I have never heard of it being questioned at any time or place or in any manner, except through indirection and implication in the proceedings of a congressional investigating committee that very apparently and evidently for political purposes went out of its way to cast reflections upon Mr. Ryan, which I am sure are keenly resented by all who know Mr. Ryan and his high standing, his great integrity, and his untarnished honor in all business and personal matters, and, in fact, in every phase of life. I have previously referred several times upon the floor of the Senate to this subject and expressed my opinion of this unjust treatment of Mr. Ryan, and I shall not have much more to say about it now. Indeed, Mr. Ryan's reputation is such that it does not need much defense, and none at all with those who know him. However, I am again impelled to express my condemnation of the unjust treatment he has received at the hands of some persons under the guise of official authority, and I shall ever be ready to do so when the subject may be mentioned at any time or place.

I think one of the most deplorable results of the late war has been the very evident disposition on the part of congressional committees in some instances to conduct investigations of war operations from a bitterly partisan standpoint and to make politics out of official investigations of the conduct of the war in its various branches. I think it is very blameworthy and exceedingly deplorable and I deeply regret it. I was glad to see that during the progress of the war there was very little politics displayed in either branch of Congress. I was glad to see that the Republican Senators and Representatives as a rule stood behind the President and behind all branches of the administration in the conduct of the war just as loyally and unselfishly as did Democratic Senators and Representatives; but, in my opinion, since the cessation of hostilities there has been a very plain disposition in some instances in investigation of the conduct of the war by congressional committees to inject politics into the investigation instead of trying to obtain facts and produce beneficial results. That was strikingly shown, I think, when a congressional committee which conducted a long and exhaustive investigation of some phases of the conduct of the war encountered in the course of its proceedings some charges of dishonesty against Mr. Charles M. Schwab, who, I believe, is a Republican. Mr. Schwab took the stand and simply denied the charges in toto and, I have no doubt, denied them truthfully. I am satisfied there was no foundation for them and that they were very grossly unjust to Mr. Schwab. The committee, however, as reported by newspaper accounts, without having any proof for or against, other than the charges and denial, immediately and on the spot accepted Mr. Schwab's denial and issued a statement with much publicity acquitting Mr. Schwab of all guilt and wrongdoing preferred in the charges. I have no doubt Mr. Schwab deserved the acquittal. However, equally wrongful charges of misconduct were made before a congressional investigating committee against Mr. Baruch and Mr. Ryan, both of whom are prominent Democrats, and both of whom denied in the most unequivocal manner those charges, just as Mr. Schwab denied the charges against him. In addition, Mr. Ryan, at least, I know brought much proof to corroborate his denial, but so far as I know to this day that committee has never, either officially or unofficially, denied or retracted any of the charges against Mr. Ryan or Mr. Baruch, nor have any members of that committee individually, so far as I know, other than the one member who is a Democrat, denied or repudiated any of the charges made against those gentlemen or either of them. One member, who is a Democrat, was vigorous in his denunciation of the charges against Mr. Ryan. It is a singular and significant proceeding and something that I do not relish at all. It shows partisanship, and I think it very unfair and unjust.

So far as I am concerned, I acquit all of those gentlemen of any wrongdoing. Reflections upon them are undeserved. I am sure they all rendered very valuable services to their country when their services were badly needed, and that they did so at great sacrifice to themselves. They deserve credit for what they did. They contributed very largely to the winning of the war. I believe that Mr. Ryan and Mr. Baruch are entitled to the same clearance of malevolent charges as was given to Mr. Schwab. Whether it is ever officially granted or not, I am sure they will have it in the hearts of those of their countrymen who know them and know their integrity, character, and worth and the services which they rendered to their country in time of war. Their records are such that political quibbling and accusations can not besmirch them.

## AGRICULTURAL APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 15812) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1922.

Mr. ASHURST. Mr. President, I ask the attention of the chairman of the Committee on Agriculture and Forestry [Mr. GRONNA]. I have no disposition to delay this bill. On the contrary, I have reasons to urge its immediate passage. The able Senator from North Dakota [Mr. GRONNA], the chairman of the committee, has patiently waited for several days, indeed for four weeks, with this bill on the calendar, seeking an opportunity to have it considered. To-day his son graduates from the academic department of George Washington University. That young man entered the Great War as a private, but such skill, courage, and efficiency did he exhibit that he soon became a first lieutenant in the heavy artillery, which means, of course, that he has a profound knowledge of higher mathematics and the physical laws governing the hurling of projectiles. The chairman on the committee sits in this Chamber to-day when he should be elsewhere, for I think he owes it to his son to be present at the graduation, but the Senator deems his duty to the country to be paramount. In view of these circumstances, of course, no Senator should or would delay this bill a moment beyond what debate is actually necessary to give the reasons for the appropriations made herein. At the risk, however, of consuming 15 minutes of the time of the Senate, I will ask the chairman of the committee to recur to page 20 of the bill. I desire to propose an amendment to the committee amendment at that point.

Mr. GRONNA. Mr. President, consent was given to take up committee amendments first, but I will say to the Senator I have no objection to the reconsideration of those amendments. I know the Senator is deeply interested in them.

Mr. ASHURST. I will be brief. I do not intend to go out on any unreturning parabola in the short speech that I am going to make supporting my amendment.

Mr. President, I propose the amendment which I send to the desk to the committee amendment. I will ask the Secretary to read the same.

The PRESIDING OFFICER (Mr. FREELINGHUYSEN in the chair). Without objection, the vote whereby the committee amendment on page 20, line 5, was agreed to is reconsidered. The Secretary will now state the amendment proposed by the Senator from Arizona to the amendment reported by the committee.

The ASSISTANT SECRETARY. On page 20, line 5, where the committee proposes to strike out "\$51,860" and insert "\$56,860," the Senator from Arizona proposes to insert in lieu thereof the figures "\$66,860."

Mr. ASHURST. Mr. President, my amendment proposes to increase the appropriation by \$10,000, making the total \$66,860, which is the sum estimated by the Department of Agriculture. This is the item "for investigating the physiology of crop plants and for testing and breeding varieties thereof." The Department of Agriculture estimated for that work the sum of \$66,860, whereas the Committee on Agriculture of the Senate has granted only \$56,860.

This is an important item; it is the item which carries the money with which the Bureau of Plant Industry under the Department of Agriculture has conducted the remarkably interesting investigations of the mysteries of plant life.

It was from appropriations carried in such an item that the Department of Agriculture began the cultivation of the Deglet Noor date and the caprifig Smyrna fig.

I read as follows from the estimates:

The date industry is fast becoming established in this country. At the present time nearly a quarter of a million dollars a year is being invested in new plantings. The industry is centered upon the culture of the Deglet Noor variety, a date of highest quality, which, however, deteriorates in storage, so that it is desirable that other varieties be established. Offshoots of an Egyptian variety, the Saidy, which improves in storage, and of the Hayany variety, a soft date suitable for home use in Arizona, have been secured and should be tested out. As the result of a bag method of ripening dates, the percentage of fancy dates of the Deglet Noor variety as grown in the Coachella Valley of California has been more than doubled and the number of pickings reduced from 12 to 2. In addition, the final curing of the fruit is greatly simplified, being accomplished by proper handling in a moist, warm chamber for only a few hours. With the new introduction of offshoots and the discovery of this bag-ripening method, it becomes essential to conduct demonstration gardens in the more promising localities in southern California, Arizona, and Texas. Of the increase requested, \$10,000 will be necessary for adding proper facilities at the Indio date garden; \$7,000 for conducting testing and demonstration gardens in the Imperial Valley of California and the Salt River Valley of Arizona, and for enlarging the capacity of the garden at Laredo, Tex., and \$3,000 for experimental work in the warm valleys of Nevada and Utah in order to determine the possibilities of commercial date culture in such localities, and certain greenhouse experiments in connection with the working out of the most satisfactory methods for rooting date offshoots.

Mr. President, the Deglet Noor dates to-day will grow in alkali soil, which is deleterious, if not deadly, to most vegetation, and the date trees are able to withstand the terrific simoons, or desert sandstorms.

I have here a small box of these Deglet Noor dates [exhibiting]. When first produced in this country this date cost \$2 a pound, but the investments have been so great that the cost of producing the dates has been reduced so that they may be sold at a price where they are within reach of people of moderate means. I ask consent to print in the RECORD at this point a statement as to these dates.

The PRESIDING OFFICER. Without objection, the statement will be printed in the RECORD.

The statement referred to is as follows:

DEGLET NOOR DATES M'ZAR VARIETY, FROM MECCA, CALIF.

Grown on very sandy soil at the Cooperative Date Garden, Mecca. Ripened by the Trabut-Drummond bag method, which increases percentage of fancy dates at Mecca from 30 per cent to 64 per cent, cuts the number of pickings from 12 to 2, shortens and simplifies final maturation in the curing room. This method will doubtless extend date culture throughout the Imperial, Yuma, Salt, and Gila River Valleys in California and Arizona, and the middle section of the Rio Grande Valley in Texas. This new discovery, together with the definite recognition of three distinct strains of Deglet Noor and the fruiting of at least four Deglet Noor seedlings of high quality and full Deglet Noor flavor, puts an entirely new face on the date industry in the Southwest and makes it perhaps the most promising fruit industry for the irrigated valleys of the Southwest having a subtropical desert climate.

Mr. ASHURST. In order that these dates may be sampled by various Senators, I will ask a page to pass them around from one Senator to another, so that Senators may ascertain for themselves how delicious they are.

Mr. President, I will take up the question of the caprifig Smyrna fig.

Mr. PHELAN. Mr. President, do I understand the Senator to say that the dates of which he has invited Senators to partake are California dates?

Mr. ASHURST. Yes.

Mr. PHELAN. Dates are produced in Arizona, are they not?

Mr. ASHURST. Oh, yes; and of the same quality; they are grown in large quantities in Arizona; but my modesty precludes me from passing around Arizona dates as specimens.

Mr. POMERENE. I will ask the Senator which are the better, the California or the Arizona dates?

Mr. ASHURST. The Arizona date is the better.

Mr. SHEPPARD. Mr. President—

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Texas?

Mr. ASHURST. I yield.

Mr. SHEPPARD. A number of similar experiments have also been made in Texas.

Mr. ASHURST. Similar experiments have been made in Laredo, Tex.; and \$3,000 of this \$10,000 increase asked for is for the purpose of proving that these dates may be grown in Laredo, Tex.

I now pass on to another very interesting subject, the caprifig Smyrna figs. I have on my desk a box of Smyrna figs.

Mr. SMITH of South Carolina. Mr. President, will the Senator allow an interruption?

Mr. ASHURST. With pleasure.

Mr. SMITH of South Carolina. I should like to know if the Senator from California [Mr. PHELAN] expects to exhibit some Arizona dates. I understand that the Senator from Arizona is exhibiting California dates, and I wanted to know if the Senator from California would return the courtesy, and on what day we might expect him to do so.

Mr. PHELAN rose.

Mr. ASHURST. Let him pass around California wine. [Laughter.]

Now, Mr. President, I must proceed. I do not want to take too much time, but I wish to be heard for a moment on this question. Let me say again that this item is the appropriation under which was discovered the practicability of planting and cultivating in this country the Egyptian cotton, and for every dollar that the Government has appropriated for purposes carried in this item the income-tax returns, mark you, are each year twenty times the amount of the appropriation. In other words, for every \$100,000 that was invested by the Government for such purposes the Government receives annually \$2,000,000 in income taxes.

These Smyrna figs which I now exhibit are figs of the drying type, such as are grown about Smyrna, in Asia Minor, and also in California and somewhat in Arizona. This type of fig begets no fruit unless the flowers are pollinated by a minute wasp—the so-called fig insect—which carries the pollen from the caprifig to the cultivated Smyrna fig when in flower.

The insect was introduced into California by the Department of Agriculture in the spring of 1899, and caprifig orchards were established by the Bureau of Plant Industry in order to enable

Smyrna fig growers to be sure of a supply of the indispensable fig wasp when their orchards came into bearing. The present production is about 500 cars a year and is rapidly growing. Thousands of acres of new plantings of Smyrna figs are being made every year.

These sample figs are of the Lob Ingir variety, sometimes called Calimyrna, and were grown at Fresno, Calif., cured in the best California process perfected by Mrs. Fred Hansen.

For several years the Department of Agriculture has been testing a number of crosses of varieties of citrus fruits, and has produced, for example, the Sampson Tangelo and the Thornton Tangelo, a fruit which is a cross between the orange-tangerine and the grapefruit. This fruit has a pale, orange-colored juice and highly flavored pulp. It may be eaten out of hand like a tangerine, but is better when halved and eaten like a grapefruit. Moreover, there is no tendency to squirt its juice into a human eye when a spoon is inserted into its segments.

Mr. GRONNA. Mr. President—

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from North Dakota?

Mr. ASHURST. Certainly.

Mr. GRONNA. I realize, as do all the members of the committee, having had this item under very careful consideration, that it is a very important item, and a very wonderful showing has been made both in California and in Arizona. Will not the Senator reduce the amendment which he has offered from \$10,000 to \$5,000? So far as the committee are concerned, we will have no objection to allowing the \$5,000 to go to conference.

Mr. ASHURST. Mr. President, that is kind on the part of the chairman, and, of course, I am glad to agree to that. I will ask leave, therefore, to modify my amendment so as to strike out "ten" and insert "five."

Mr. SMITH of South Carolina. Mr. President—

Mr. ASHURST. I yield for a minute.

Mr. SMITH of South Carolina. I just want to ask the chairman of the committee what amount we allowed? As I see it, we increased the amount \$5,000 over the House item.

Mr. GRONNA. Yes.

Mr. SMITH of South Carolina. What is the amount that the representative of this interest asked for when he appeared before us?

Mr. GRONNA. The representative asked for \$15,000 more. The committee gave him \$5,000 more.

Mr. SMITH of South Carolina. And now the Senator's proposition is to agree, as far as he may under the circumstances, to \$5,000 additional?

Mr. GRONNA. Yes; so as to increase the appropriation \$10,000 above what the House allowed.

Mr. ASHURST. Mr. President, I ask unanimous consent at this point to include in the Record a pamphlet by Mr. Walter T. Swingle, with respect to these fruits, and other memoranda and pamphlets on the subjects to which I have referred.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

#### THE FIG IN CALIFORNIA.

(By Walter T. Swingle, physiologist in charge of Plant Life History Investigations, United States Department of Agriculture.)

#### SOME POINTS IN THE HISTORY OF CAPRIFICATION AND IN THE LIFE HISTORY OF THE FIG.

As some of my hearers may not be familiar with the figs of the Smyrna type, I shall preface my remarks with a short account of this remarkable fruit tree.

#### OUTLINE OF THE LIFE HISTORY OF THE FIG.

The fig, like the cottonwood, the carob, the pistache, and some others, exists in two forms, male and female. The female trees alone bear fruit, and the male trees, or caprifigs, as they are called, produce pollen, which when carried to the flowers of the female trees cause the fruits to set and fertile seeds to develop.

From this point on, the complications begin that make the life history of the fig one of the most interesting chapters in natural history. The pollen is carried from the male flowers of the caprifig tree to the female flowers of the ordinary fig tree exclusively by a very small wasplike insect, the *Blastophaga pscens*. The fig tree is absolutely dependent on the visits of this insect for a crop of seeds, and in its turn the *Blastophaga* can live and breed only in the caprifigs. This mutual dependence, or symbiosis as naturalists call it, is one of the most striking cases known and dates back to somewhat remote geological epochs.

The caprifig tree bears fruits that at first sight much resemble ordinary figs and which, though seldom edible, finally soften and fall off. If a caprifig be cut open before it ripens fully it will be seen to be full of grains that look much like seeds. These grains are minute galls, each one of which contains a fig insect. Finally, when the insects are ready to cut their way out of the galls, the mouth of the caprifig opens and a ring of male flowers, situated just below, begins to shed pollen abundantly. The female *Blastophaga* (which alone issue from the caprifigs) get coated with this pollen as they crawl out and carry it to the female flowers which line the young budding figs on the female trees. The dusting of the female flower with pollen causes the fruit to set and to bear fertile seeds.

Now, the caprifig tree in order to support the *Blastophaga* must bear a succession of caprifigs; in most fig-growing countries there are three

generations of caprifigs, called, respectively, the winter, spring, and summer generations, often known by the Neapolitan names—*mamme*, *profchi*, and *mammone*. Though it is a deciduous tree, the caprifig must carry a crop of nearly ripe but dormant caprifigs through the winter on its bare branches.

The true nature of the fig and caprifig trees as outlined above has been obscured by the fact that many varieties of the female or ordinary fig tree bear abundant crops without any pollination, and hence the *Blastophaga* is not needed in growing such varieties (which happen to be just the ones which alone are grown in central and northern Europe and in the New World). Ordinary figs are analogous to navel oranges, which, having no pollen, likewise produce fruit without being pollinated, and, like navel oranges, have no fertile seeds.

It was only when the culture of Smyrna figs was attempted in this State, a quarter of a century ago, that it was realized that something was wrong, and it was only 18 years ago that it was finally proved that figs of this class set no fruit unless pollinated.

In the orchards about Smyrna, in Greece, about Naples, in Algeria, in Portugal, and in many other localities in the Old World caprifigs containing *Blastophagas* ready to come out are suspended in the branches of the fig trees to facilitate the transfer of pollen by the insect. This operation is called caprification.

#### ANCIENT HISTORY OF CAPRIFICATION.

The operation of caprification dates back to remote antiquity. Already in the time of Herodotus, in the fifth century B. C., caprification was so well known as to be used as a self-evident example in explaining (falsely, as it happened in this case) the artificial pollination of the date palm as practiced in ancient Babylon.

Aristotle, in a little-known chapter of his History of Animals (bk. 5, ch. 26), written about 340 B. C., gives a short account of the process that could scarcely be improved to-day. He said:

"The fruits of the caprifig contain small animals called *psenes*. These are at first small grubs, and when their envelopes are broken, *psenes*, which fly, come out; they then enter the fruits of the fig tree and the punctures they make there prevent these fruits from falling before they are ripe. So the countrymen take the trouble to put branches of the caprifig in the ordinary fig trees, and also plant caprifigs near the common fig trees."

Theophrastus, a pupil of Aristotle, gave a still fuller account of the operation, and was the first writer to mention that some sort of figs set fruit without being caprifigged. All of the later Greek and Latin writers on natural history refer to caprification as a well-known horticultural process.

Recent studies of Solomon Reinach, the celebrated oriental scholar, go to show that caprification was very well known in the earliest Greek times before written history began. His researches led him to think that in the earliest times there was a sacred mystery play—a cult of the fig tree and of caprification analogous to the Eleusinian mystery play—in which the wheat head played the principal rôle. He thinks that the word *sycomphante*, still a part of all modern languages, originated in these rites, and was, indeed, applied to the priest who at the critical moment during the ceremonies showed the fig branch (*syco*=fig, *phantein*=to show) just as the analogous priest, the hierophant, in the rites of Demeter, showed the wheat head. The cult of the fig he supposes to have degenerated in early times, so that the *sycomphante*, once respected and feared, came to be a cheap charlatan; hence, the modern significance of the word. If Reinach's views are correct, the cult of the fig must have been of great antiquity for it to have become degenerated and almost forgotten before the classic Greek period.

Again, in ancient Rome, there are traces of important ceremonies that date back to the semimythical times of Romulus and Remus wherein caprifig branches were in a midsummer festival (about the time caprification would be practiced in that latitude). Now caprification is unknown in central Italy, and has doubtless been forgotten for many centuries about Rome (the great naturalist, Pliny, did not have any personal knowledge of caprification), yet at the very dawn of history we find signs that caprification was once practiced there.

Strabo, the great Greek geographer, attended school when a lad some 2,000 years ago near the present town of Aidin, the center of the Smyrna fig industry. Now, Strabo reports that in his day the figs of that region were highly esteemed and brought the highest price in the markets. This record goes to show that fig culture has been the principal industry in this region for two millennia, the oldest fruit industry of which we have any record, for the date orchards that were the admiration of Herodotus at Palmyra and Babylon perished ages ago.

These few examples suffice to show that in beginning the practice of caprification the fruit growers of California are reviving an operation older than the record history of mankind.

#### HISTORY OF CAPRIFICATION IN CALIFORNIA.

As noted above, it was not until the culture of Smyrna figs was attempted in California as a result of Mr. G. P. Rixford's introduction of cuttings, in 1880 and 1882, that it was realized that something was lacking, and not until Mr. George C. Roeding, in 1890, and Dr. Gustav Eisen and Mr. E. W. Maslin, in 1891 (Dr. Gustav Eisen informs me, since this lecture was delivered, that as early as 1874 his attention was called to the necessity for caprification for figs of the Smyrna type by Dr. John Bleasdale, a Catholic priest, who had been educated in Portugal, and who was familiar with caprification. Becoming convinced of the need of caprification, Dr. Eisen read a paper before the Fruit Growers' Convention as early as November, 1885, describing the operation. His views led him into a controversial correspondence with Dr. H. H. Behr, of the California Academy of Sciences, during the years 1881 to 1885. The artificial pollination of Smyrna figs was discussed as a means of proving the necessity for caprification, then strenuously denied by Behr and many others, including Mr. E. W. Maslin. Dr. Eisen "had no opportunity of trying direct pollination (from want of caprifig pollen) until 1891, in the last days of July." At his request, Mr. E. W. Maslin accompanied him to the orchard of James Shinn at Niles, Calif., where pollen from a "Bulletin" caprifig tree (introduced in 1880 or 1882 by Mr. G. P. Rixford) was transferred to young Smyrna figs, causing them to "come to perfection as large, ripe and luscious figs, in every way perfectly developed, with numerous perfect seeds." The experiments of Dr. Eisen at Niles were, therefore, the outcome of discussions begun many years before, first, artificially pollinated Smyrna figs that it was proved that caprification was absolutely necessary with this type of figs. This new California point of view was first published in convincing form by Dr. Gustav Eisen in a bulletin of the California Academy of Sciences issued January 11, 1896 (Eisen, Gustav, Biological Studies on Figs, Capri Figs and Caprification, in Bull. Cal. Acad. Sci. (2) 5: 897-1003, Jan. 11, 1896), which attracted wide attention both in this country and in Europe. It should be noted that after the elaborate investigations of Gasparrini made at

Naples from 1845 to 1865, which resulted in his denying the efficacy of caprification, botanists and educated men generally the world over had come to consider caprification to be merely a peasant's superstition analogous to the hanging of horseshoes in favorite fruit trees to make them fertile.

The result of Eisen's memoir was to change all this and convince the scientific world that caprification was after all no idle folly, but a vitally necessary operation in the culture of drying figs of the Smyrna type. As I shall show later on, the successful introduction of the *Blastophaga* into California was brought about largely through Dr. Eisen's memoir.

#### INTRODUCTION OF BLASTOPHAGA INTO CALIFORNIA.

The first introduction of the *Blastophaga* was made by H. E. Van Deman, then pomologist of the Department of Agriculture, who, in the spring of 1890, imported caprifig cuttings from Asia Minor, some of which had fruits attached from which issued the first fig insects ever seen in the New World. Some of these cuttings, and doubtless some of the *Blastophagas*, were sent to California.

The second introduction was made in the spring, and the third in the summer, of 1891 by Mr. James Shinn, of Niles, who received from a missionary resident in Smyrna caprifigs from which the insects issued after arrival. They failed to get established, though they were liberated in a large "Bulletin" caprifig growing on Mr. Shinn's place at Niles.

The fourth introduction was made in 1892 by Mr. George C. Roeding, of Fresno, who received from Mr. Thomas Hall, of Smyrna, in June and July, several shipments of caprifigs from which *Blastophagas* issued but failed to get established.

The fifth introduction was made in the early spring of 1895 by Mr. George C. Roeding, who received from Mr. Anthony C. Denotvitch, then traveling in Asia Minor, a package of caprifigs in good condition, from which, however, the insects never issued.

The sixth introduction was made in March and April, 1898, by me. I was studying caprification at Naples at the time, and sent a number of packages of caprifigs to the Department of Agriculture at Washington, D. C., from where they were forwarded to Mr. George C. Roeding at Fresno. The earliest shipment reached Fresno on April 15, but though the *Blastophagas* came out, they failed again to establish themselves.

The seventh and last, the finally successful introduction, was made by me in March, 1899, when I sent from Algiers a number of packages of caprifigs, the first of which reached Mr. George C. Roeding on April 6, 1899. These insects entered the young caprifig buds on a number of trees bred there and established themselves permanently in California.

#### HISTORY OF THE FINAL AND SUCCESSFUL INTRODUCTION OF BLASTOPHAGA INTO CALIFORNIA.

(In this sketch I have not considered the introduction of the fig insect, which occurs in the wild figs of Mexico, as these insects can not live in the caprifig.)

As there has been some misunderstanding as to how my introductions came to be made, I thought the fruit growers of this State would perhaps be interested to know just how they happened.

I spent the spring of 1896 in Naples, and while there had the pleasure of making the acquaintance of Prof. Paul Mayer, one of the foremost European students of caprification. I was busy with other work at that time, however, and did not attempt any detailed work on the fig.

However, in March of 1898 I was again in Naples, where I enjoyed the facilities of the International Zoological Station through the courtesy of the director, Prof. Anton Dohrn. In the meantime I had read Dr. Eisen's memoir on caprification, and happening to see the operation being carried out on a caprifig tree a day or two after my arrival, I decided to study anew the whole subject of caprification in a region where it was a standard horticultural practice. At that time I had never been in California, and all I knew about California conditions I learned from Eisen's paper. I was abroad on leave of absence, paying my own expenses, and undertook the work wholly on my own initiative and at my own expense. During the course of my work I never received any suggestions from California or from anywhere in America, for the simple reason that I did not myself know when I sailed, early in March, just what I would do at Naples, and after I went into the work there was not time for any letters to reach me, even if any had been sent. I had at that time not yet seen the now famous letter of the State board of trade, signed by Mr. E. W. Maslin, Mr. J. A. Filcher, and Mr. B. N. Rowley, and received no instructions from the Secretary of Agriculture or anyone else. I am forced to make this public disclaimer in view of the mistaken statements that have been published in this State as to the inception and conduct of my work.

While working at Naples I did have the benefit of the advice of Prof. Paul Mayer and of Count Solms Laubach, also a famous student of figs and caprification.

After looking into the matter for a few days I decided to try to send the *Blastophaga* to California in the firm winter generation caprifigs, which could be shipped in March, when the weather at Naples was still cool. My first shipment, containing caprifigs whose cut stems had been waxed and which were wrapped simply in tin foil and shipped by samples post, was sent to Washington and reshipped from there, reaching Mr. George C. Roeding in Fresno on April 15. Insects issued from the caprifigs, and as soon as I learned this I was sure I could succeed in establishing the *Blastophagas* by my method, for I had found, on studying the matter, that there was a great range in the time of ripening of the winter generation caprifigs, which could be had all the way from the oases of the Sahara Desert to Botzen, in southern Tyrol. I did not hope to strike the right season in California the first time, and as a matter of fact the winter generation caprifigs from Naples and Smyrna ripen too late in spring to reach California at the proper time.

In July, 1898, I entered the service of the newly established section of seed and plant introduction, of which Mr. David G. Fairchild was in charge.

My letter of instructions from Secretary of Agriculture James Wilson authorized me to continue my work on caprification, and accordingly, in March, 1899, I went to Algiers, where, with the amiable cooperation of Dr. L. Trabut, Government botanist of Algiers, I soon found abundant caprifig trees laden with the nearly ripe winter generation caprifigs. I shipped them in the same manner as the spring before, and my first shipment reached Washington, D. C., on March 31, when it was reshipped by Dr. L. O. Howard, reaching Mr. George C. Roeding on April 6. A caprifig tree at Fresno was covered with cheesecloth and the insects liberated inside the tree.

Little attention was paid to the tree after this until June 23, 1899, when Mr. John C. Jones in collecting pollen from caprifigs for the artificial fertilization of a few Smyrna figs found a caprifig containing

male *Blastophagas* and still unopened galls containing female *Blastophagas*. Of course, the tented tree was now given immediate attention. Most of the insects had escaped, but a few caprifigs were found still full of *Blastophagas*, some more were found on an adjoining tree and a few in distant parts of the orchard, proving that some of the insects had escaped from the tent when liberated in April and had found other caprifig trees, in which they had bred.

The insects managed to get established in the summer generation caprifigs, and by November 10, when I visited the orchard, thousands of *Blastophagas* were present and were then entering and laying eggs in the young buds of the winter generation caprifigs. During the following year, 1900 (from the middle of March to the end of September, 1900, Mr. E. A. Schwarz, a most competent and conscientious entomologist and naturalist, stayed at Fresno studying the *Blastophaga* and caprification. These studies, published in part only in Dr. L. O. Howard's paper "Smyrna Fig Culture in the United States" (Yearbook, U. S. Department of Agriculture, 1900, pp. 79-106, pl. 1-8), are the most complete ever made on the life history of the fig insect, and have also cleared up many points in the natural history of the fig and caprifig, the *Blastophagas* were abundant enough to be of use in caprifigging and producing the first crop of figs ever produced by the splendid Smyrna fig orchard which had been for many years kept up at a total loss—a standing monument to Mr. Roeding's faith in the ultimate success of the industry.

I might say that after making my first efforts to introduce the *Blastophaga*, in the spring of 1898, I received many suggestions, but neither the California growers nor the entomologists of Washington had any faith in my system, being of the opinion that a small tree covered with caprifigs should be dug up and shipped over. The trouble was, as I soon found, that it was impossible to find young and small caprifig trees bearing winter generation caprifigs. Only large trees bore them, and the expense of moving them would have been enormous.

Another drawback, not realized by its adherents, of this plan is that for reasons to be given later only rarely, if ever, can the *Blastophaga* breed the year around on a single tree, and the chances of its living in a tree weakened by a long voyage would be almost nil. The net result of sending over a large rooted tree bearing winter generation caprifigs would therefore have been merely to land the *Blastophaga* in this country. It would still have had to seek breeding places in other caprifig trees, so that, after all, nothing more would have been accomplished than by sending a half dozen caprifigs wrapped in tin foil by samples post at a cost of a few cents.

"It's an ill wind that blows nobody good," and one good result of the lack of faith in my method of introducing the *Blastophaga* and subsequent neglect of the infected tree was that the principal parasite, or, rather, messmate of the fig insect, *Phyllosticta flearia*, which in the Old World often takes up one-third or even one-half the space in the caprifigs (and which can not caprifig the figs at all), failed to get established in this country, so California has the only simon-pure colony of *Blastophaga* in the world. It would be a calamity if any further introductions were made, as there would be grave risk of introducing *Phyllosticta*, which, if once here, could not be exterminated.

#### NEW POINTS IN THE LIFE HISTORY OF THE FIG AND CAPRIFIG.

In a lecture on caprification, delivered before the Marine Biological Association at Woods Hole, Mass., on August 14, 1899, and again in a paper published in October, 1899 ("The Diacism of the Fig in its Bearing upon Caprification," in Science, new series, vol. 10, pp. 570-574, No. 251, Oct. 20, 1899), I called attention to the fact that the *Blastophagas* that issue from the spring generation caprifigs (in June in most countries) enter the young budding figs of the female or fertile fig tree, though they can not breed or even lay their eggs there. However, if the female *Blastophaga* were intelligent enough to discriminate between the budding caprifigs in which she can deposit eggs and the ordinary fig buds in which she can not, then no figs would be caprifigged, no seeds would be formed, and soon the fig species would die out, and with it the *Blastophagas*, that can breed only in the caprifigs.

#### EXPLANATION OF THE BREAK BETWEEN THE SPRING AND SUMMER GENERATIONS OF CAPRIFIGS.

Just here is to be found the explanation of the decided break that all observers have noticed between the ripening of the spring generation caprifigs (*profichi*) and the budding out of the young summer generation caprifigs (*mammoni*). This break is so pronounced that when I began studying caprification one very acute observer, who had spent several years studying horticulture in countries where caprification was practiced, assured me that I must seek some other host plant for the *Blastophaga* at this critical season, and suggested that it would be found breeding in some of the bushes that clothe the hills in the Mediterranean region. The ink-gall insect, somewhat related to the *Blastophaga*, does go from one species of oak to another in its home in Syria.

However, already in 1882 Dr. Paul Mayer had pointed out that the insects that issue from very late *profichi* or late varieties can enter the very first *mammoni* buds to push on the earliest varieties of caprifigs. (Mayer, Paul, Zur Naturgeschichte der Feigeninsekten (The Natural History of the Fig Insect) in Mittheilungen a. a. Zool. Station zu Neapel, 3: 551-590, pls. 25, 26, Nov. 4, 1882.)

Countless thousands of *Blastophagas* do, however, come out of the spring generation caprifigs too early to enter even the earliest summer generation caprifigs (*mammoni*), though just in season to enter and pollinate the young buds on fertile fig trees. (It was a realization of this fact which caused me to rely entirely on winter generation caprifigs (*mamme*) in attempting to introduce the *Blastophaga* into this country. They arrive early in spring, and, if sent at the right time, find abundant spring generation caprifigs in receptive condition, whereas the spring generation caprifigs if shipped to California arrive just during the break between the spring and summer generation of caprifigs and stand a very small chance of finding a breeding place. Then, too, such spring generation caprifigs must be shipped during hot weather, whereas the winter generation caprifigs make the voyage in March. When I began to ship the winter generation caprifigs to California I found there was no adequate realization here of the great advantage of sending this generation rather than the more abundant and better known spring generation.)

#### BLASTOPHAGAS FORCED TO ENTER YOUNG FRUIT OF THE FERTILE FIG.

Natural selection has, therefore, brought about that even an intelligent *Blastophaga* would find no suitable caprifig to enter, but must finally in desperation crowd into an ordinary fig bud, propelled, doubtless, by a powerful instinct prompting it to deposit its eggs.

The break between the spring and summer generations of caprifig fruits has, therefore, the object of compelling the *Blastophagas* to enter

and pollinate the young buds of the fertile fig tree, then pushing in the greatest abundance.

It must be remembered that in a state of nature wild fig trees of both sexes would grow intermixed and that the break between the spring and summer generations of caprifigs would in the absence of artificial caprification be a powerful aid in causing the fertile trees to be pollinated.

Now, in orchard culture of figs of the Smyrna type, where all caprification is performed artificially, the female *Blastophaga* have no choice but to enter the Smyrna fig buds. In commercial fig culture it would be an advantage to have caprifig trees that did not show any break between the spring and summer generations of insects, as it would be much easier to keep up a full supply of the *Blastophaga*.

#### NEW TYPE OF CAPRIFIG TREE ORIGINATED BY MR. E. W. MASLIN.

By a most curious coincidence, within a few days after I first thought out this point, in August, 1906, and communicated it to Prof. S. C. Mason, who was then studying caprification in California, he found just such a caprifig in the Maslin orchard, at Loomis, Placer County, Calif.

In 1885 Mr. E. W. Maslin planted the seeds of the best grade of Smyrna figs to be obtained in the market. Several hundred of these seedlings were set out in orchard form on his place at Loomis. This orchard was not a commercial success, and it was soon noticed that many of the trees were more like caprifigs than Smyrna figs. In the fall of 1899 I found several promising caprifigs there, and in the summer of 1900 Prof. Mason found a very curious variety, a sort of hermaphrodite tree, that had enough of the qualities of a caprifig to support the *Blastophaga* and enough of those of the fertile fig tree to produce an abundant crop of summer generation buds just as the spring generation caprifigs were ripening. It also bears numerous fertile seeds mingled with the insect-bearing galls.

By planting this variety among the other caprifigs the *Blastophaga* will be able to breed uninterruptedly throughout the year and not, as is now the case, almost completely die out in midsummer.

#### THE CAPRIFIG ORCHARD.

It is clear from what has preceded that *Blastophagas* has a very much better chance of breeding in a special caprifig orchard composed of a number of varieties. Some sorts of caprifigs not particularly valuable for use in caprification may, nevertheless, be extremely valuable in furnishing suitable breeding places for the insect at some critical season, as, for instance, the new variety noted above from Mr. Maslin's seedling fig orchard.

Since March, 1898, I have realized the importance of securing all obtainable varieties of caprifigs, and this object has been kept steadily in view ever since. A number of caprifigs were secured by me in Naples in 1898 and others in 1899 in Algeria, Greece, and Asia Minor, and in 1901 Mr. Carl S. Scofield made a special trip to the fig region in the Kabylie Mountains of Algeria to secure the many caprifigs that occur there. I secured some of the Italian sorts in 1902. In the meantime the Maslin seedling orchard has pointed out a way to obtain still more and ultimately still better sorts.

#### BREEDING NEW AND SUPERIOR FIGS AND CAPRIFIGS.

There is nothing to indicate that the Smyrna type of fig is very highly bred or very widely different from the wild type of figs. On the contrary, among even the few dozen edible figs secured by Mr. Maslin, there are several that are equal, if not superior, to the commercial Smyrna variety.

This being the case, there is every reason to expect to secure very superior varieties of drying figs and of caprifigs by growing large numbers of trees from seeds of the best varieties pollinated by all the different caprifigs. It must be remembered that the hereditary character of the caprifig comes into play in this breeding work, and that we might as well expect to improve the grade of Durham cattle with a scrub bull as to breed new and superior types of drying figs while using a poor type of caprifig. The hereditary character of caprifig can be seen only in the offspring, so we are forced to try as many different caprifigs as possible in the hope of securing one that yields progeny of the highest order of excellence. This is another reason for securing all obtainable varieties of caprifigs, as it by no means follows that the caprifigs best adapted for artificial caprification on a commercial scale will be those yielding the best new sorts among their progeny.

#### NEW TYPES OF FIGS TO FIT AMERICAN CONDITIONS.

It is confidently expected that within a few years many of the several thousand seedling figs now growing will have fruited, and that comprehensive plans will be matured that will permit of the breeding of types of figs and caprifigs especially well adapted to American conditions. In such work use will be made of the 17 species and subspecies of figs of the Carica group known to botanists. Some of these wild figs are hardy in the climate of Washington and others are extremely drought resistant. In other words, the improvement of the fig has only just begun and fig culture is still in its infancy in this country.

#### THE MASLIN SEEDLING FIG ORCHARD AT LOOMIS, CALIF., AND ITS BEARING ON THE SMYRNA FIG INDUSTRY OF THIS COUNTRY.

By Walter T. Swingle, physiologist, plant life history investigations, Department of Agriculture.

I had the pleasure of presenting to the Thirty-fourth Fruit Growers' Convention, held at Riverside last spring, a paper (Some Points in the History of Caprification and in the Life History of the Fig, by Walter T. Swingle. In the official report of the Thirty-fourth Fruit Growers' Convention of the State of California, held at Riverside, Calif., Apr. 28 to May 1, 1908, pp. 178-187. Sacramento, Calif., 1908) on the history of the caprification of the fig, in which I referred to interesting new varieties of caprifigs that have originated in the seedling fig orchard planted by Mr. E. W. Maslin at Loomis, Placer County, Calif., some quarter of a century ago.

Since then I have spent some time investigating this remarkable fig orchard, and it is my purpose to give you briefly the principal results of this study.

The planting of the Maslin fig orchard: In 1885, when Mr. Maslin first started out to grow Smyrna figs from seeds, true Smyrna figs of the standard variety, Lob Ingr, had been growing in California for five years, the cuttings having been introduced by Mr. G. P. Rixford for the San Francisco Bulletin, through Consul E. J. Smithers, of Smyrna. These trees had borne no fruit, and many believed that the Smyrniots had not sent the regular Smyrna fig at all, but had maliciously substituted some sterile and worthless variety. It was while the matter was in this state that Mr. Maslin resolved to grow some true Smyrna figs from seed. We now know that the failure of the Bulletin Smyrna fig

trees to bear fruit was due to the absence of the *Blastophaga*, or fig insect, but in 1885 the need for caprification was not recognized by anyone except Dr. Gustav Eisen.

Mr. Maslin gave an account of the planting of this orchard in a paper read before the twelfth session of the California State Fruit Growers' Convention, at Fresno, Calif., November 5, 1889, and I can not do better than quote those portions of his article giving the history of the plantation up to 1889:

"In the spring of 1885 I bought in San Francisco a box of the largest Smyrna figs I could find and sowed the seeds in a hotbed, letting the growth remain until 1888, when the trees were planted on a hillside in deep, warm, granite soil. They made a wonderful growth, the trunks being from 4 to 6 inches in diameter and the trees 10 to 15 feet high. They have never been irrigated, but have been cultivated. They have borne this year an abundance of fruit, while it remains on the trees not matured. The figs are about the size of a pigeon's egg, the receptacle well filled with flowers, but so far I have not observed any seeds. My impression is that the forces of the trees have been expended in making wood instead of fruit.

"Determined to have the best fig in the country, I wrote, in January, 1886, to H. K. Thurber, of New York, one of the leading importing merchants in the United States, requesting him to obtain for me a box of the very best Smyrna figs, telling him my purpose. He replied as follows:

"NEW YORK, February 1, 1886.

"The best grades of Smyrna figs are sometimes described as 'Eleme,' 'Imperial,' 'Choice Layers,' or 'London Layers.' I have ordered sent to you a box of 'Imperial,' which are the best in the market. There is no charge for them. I should be only too glad if in your wonderful soil and climate you should successfully raise a fig equal to the Smyrna fig.

"Very respectfully, yours,

"H. K. THURBER."

"The seeds of these figs I sowed in a hothouse; fully a month elapsed before there was a sign of growth. Later in the spring of 1886 the young trees were transplanted to a nursery and planted in rows 2 feet apart and 8 inches apart in the rows, and immediately covered with straw to shield them from the sun. They received no irrigation. In the spring of 1887 they were set out in orchard 25 feet apart, hexagon or triangular form. They were allowed to grow as many branches and trunks as came for the purpose of inducing extensive root growth. In the spring of 1888 they were cut down close to the ground, and of the sprouts which came, one, the strongest, was selected, and the others removed. As the stem or trunk grew, the lateral branches were pinched back, but not removed; pinched only that the stocky growth might shade the trunk, and not allowed to grow that the forces of the sap might be concentrated to make a leading shoot and a stocky trunk.

"These trees bore fruit this year upon the wood growth of 1889. I have 10 acres planted altogether, 7 acres of the sowing of 1886, and 3 acres of the first sowing. The fruit did not drop, but remained on the trees until the late storm. A few days after the storm began I found on four of the trees about a dozen perfectly ripe figs. They were about the size of a pigeon's egg, cuneate or wedge shape, but rather flatter than the White Adriatic, with a short stem. Their color was a lively yellow, the flesh amber, decidedly sweet. The other and immature fruit was well packed with tissue, and except that it was green did not differ in appearance or shape from the ripe fig.

"One fact to which I wish to call attention, and a very important one in relation to the necessity of caprification, is that the leaves of all the fig trees grown from the seed obtained from Mr. Thurber are identical in type. There is not the slightest indication of the cross-fertilization by the wild fig, such as wild or scraggling growth or difference in the color of the bark. The growth of the tree is very upright, and the color of the wood is the same. The small size of the ripe fruit I ascribe to the lateness of maturing and the growth of the tree. I have brought with me some of the leaves of the trees which bore the ripe figs, to which I invite your attention."

From his manuscript notes and orchard plats, kindly placed at my disposition by Mr. Maslin, I am enabled to supplement in a few particulars the account he published in 1889. In the first place, the 7-acre orchard planted with seedlings of the Thurber figs in quincunx was so severely injured by a very heavy pruning given in 1890 that it was abandoned, and all the trees are now dead. However, a tract of about an acre was planted in square with seedlings of the Thurber figs alongside of the 2 acres planted the previous year with seedlings grown from figs purchased in San Francisco. In all, 100 trees were planted in 1886 and 53 in 1887. Of these 153 seedlings, 147 are alive now and 139 are bearing trees.

Recent history of the Maslin fig orchard: Mr. Maslin continued to take notes on these trees until the summer of 1891, by which time it had become apparent that these seedling trees would not yield edible figs in commercial quantities. This was because these figs are all of the Smyrna type, and require caprification in order to set fruit. Partly because of these expensive experiments, Mr. Maslin found his ranch unprofitable, and about this time disposed of it, no further care being given to the orchard for more than a decade. In 1893 Mr. Gustav Eisen found gall flowers and male flowers in the fruits of one of the Maslin seedlings, which must, of course, have been a caprifig. In the late autumn of 1899 I made my first visit to the orchard in company with Mr. Maslin, and in photographing the larger trees, noted the presence of a very promising caprifig, which has since proven to be one of the best in the orchard. In the spring of 1899 I had sent the *Blastophaga* from Algiers, which became established in Mr. George C. Roeding's orchard at Fresno. A year or two later Mr. Roeding noticed the Maslin orchard from the car window while riding through Loomis on the train. He then took steps to introduce the *Blastophaga* into the orchard, sending profichi full of insects ready to emerge to Mr. J. C. Mazal, whose father was then the tenant on the Maslin ranch. In examining the trees carefully a few days after the profichi had been suspended in the trees, Mr. Mazal was surprised to find that the *Blastophaga* was already established in the orchard, being found by him in two caprifig trees, both, curiously enough, bearing purple profichi, and the only two bearing purple fruit at this time. The *Blastophaga* were found by Mr. Mazal ready to issue in three profichi on the two trees, so, of course, they must have developed from eggs laid by the *Blastophaga* that entered in early spring, long before the profichi were sent from Fresno. Mr. J. C. Mazal is of the opinion that the *Blastophaga* reached the orchard from Mr. Van Lennep's place at Auburn, some 12 miles to the northeast, where the *Blastophaga* had been introduced the year previously. It has since been found that the *Blastophaga* is able to spread to considerable distances, probably by being caught and car-

ried by strong winds. Since preparing the paper I have received a letter from Mr. Van Lennep that throws some light on the history of the introduction of the *Blastophaga* into the Maslin orchard at Loomis. The part of the letter concerning this matter is as follows:

"AUBURN, CALIF., January 13, 1903.

"MR. WALTER T. SWINGLE,  
"Monterey, Calif.

"DEAR SIR: Your letter of January 7 is before me. The caprifigs containing *Blastophaga* were sent me by Mr. George C. Roeding in April, 1901, since which time they have been established here.

"Possibly those found by Mr. Mezal before receiving from Mr. Roeding were blown from here, as we know they have been carried in that direction half that distance to trees taken from our nursery.

"My [caprifig] trees were from cuttings sent me from Smyrna by my brother, Reinhard Van Lennep, Dutch consul in Smyrna (my native city), in the spring of 1884.

"For years they set abundance of fruit, but would fall to the ground at a certain size, as did also the Erbil, until the insect was obtained.

"Yours, respectfully,

"DAVID VAN LENNEP."

As soon as the *Blastophaga* was introduced into the Maslin orchard it was seen that there were valuable caprifigs among the seedlings. Accordingly the chaparral, that at the time of my first visit in 1899 had nearly choked out some of the trees, was now cleared away, and the fig trees were pruned and cultivated by Mr. L. May, who had leased the ranch from November 1, 1903, on. Mr. Roeding sent a man to Loomis to attend to the packing and shipping of the profichi crop during the two seasons he rented the orchard from Mr. May. Considerable numbers of mamme, or winter generation caprifigs, were also sent to Fresno by Mr. May. During the past two summers the orchard has been rented to an Armenian, Mr. K. Arakelian, interested in fig culture at Fresno, and in 1908 no fewer than 452 boxes, each containing 20 pounds of caprifigs, were shipped from the Maslin orchard to Fresno. Of these, 21 boxes were mamme gather in April, and the rest profichi harvested at the end of June or early in July.

Maslin fig orchard leased by the Department of Agriculture: As a result of an investigation made in the spring of 1908, I found that exorbitant prices were being charged for profichi and mamme, and many fig growers had become doubtful as to the possibility of ever growing an adequate supply of *Blastophaga* on their own places, because of rumors as to the dependence being placed on imported caprifigs by the Fresno growers. If the part played by the Maslin seedling fig orchard had been explained publicly by those who knew about it, there would probably have been no such deep-seated distrust aroused. As it was, I found many of the growers were discouraged, and some had even dug up orchards of Smyrna figs just coming into bearing, because they were uncertain as to ever being able to get profichi when they needed them to caprify their trees, or without paying exorbitant prices.

This being the state of affairs, it was decided by the Bureau of Plant Industry to lease the Maslin seedling fig orchard and place it at the disposal of the Smyrna fig growers of this country. This was accomplished largely through the good offices of Mr. Andrew Ryder, of Loomis, and since November 1, 1908, the orchard has been in the possession of the Department of Agriculture.

Valuable new varieties of figs and caprifigs found in the Maslin orchard: In August, 1906, Prof. S. C. Mason, of the Bureau of Plant Industry, had found very promising Smyrna figs among the seedlings, and at his request Mr. Ryder cured a few sample figs from half a dozen of the best trees in September, 1906. I was very much impressed with the quality of some of these dried figs, and in September, 1908, I made a trip to Loomis to be able to see these figs in the fresh state, and to make observations on the possibility of curing them on a commercial scale. Mr. G. P. Rixford very kindly gave me the benefit of his experience by looking over with me the new varieties found in the Maslin orchard. Of the 139 trees in bearing, 74, or slightly over half, are caprifigs, and 65 are Smyrna figs. A number of these edible figs are very promising new varieties. At least 1 in 10 of these figs is worthy of careful trial with a view to commercial culture, and at least 2, and possibly more of them, show a very valuable characteristic not known in any fig of the Smyrna type now cultivated—the fruits become sealed automatically as they ripen.

The Rixford self-sealing fig: The best studied of these self-sealing varieties I have named the Rixford, in honor of Mr. G. P. Rixford, who first introduced Smyrna figs and caprifigs into California. It is a medium-sized, thin-skinned fig, with light amber-colored pulp of good flavor. As it ripens a drop of pellucid gum gradually hardens in the mouth of the fig, effectually sealing it against filth, beetles, and all other insects. This variety does not sour, because the germs that cause fermentation can not effect an entrance. The tree is very fruitful, and is of immense size; 2,600 cuttings were taken from it in the fall of 1908 without crippling it seriously. These cuttings are available for free distribution throughout the country, as will be explained below.

Another self-sealing variety was discovered on October 20, 1908, by Mr. A. H. Brydges, of Loomis, because its fruits had withstood without injury two soaking rains that had ruined the fruits of all other varieties growing in this part of the orchard.

The Maslin orchard a capital breeding place for *Blastophaga*: Probably the greatest value of the Maslin orchard lies in the fine assortment of caprifigs it contains. A score or more of these caprifigs are valuable for planting in Smyrna fig orchards to provide a breeding place for the *Blastophaga*. Some of the new caprifigs are valuable because of their large profichi full of insects and pollen; others, as was noted in my paper read at the Riverside meeting last spring, because they support the fig insects in midsummer, when few can find lodgment on the ordinary varieties of caprifigs; still others are of value in producing mamme very late in spring, when they are very useful in infecting profichi buds that push late. All of these varieties are available for free distribution on the same terms as the new fig.

It may be readily imagined what a splendid breeding place for *Blastophaga* is made by the Maslin orchard, containing, as it does, 74 different varieties of caprifigs, and being the largest caprifig plantation known in the world.

Distribution of young seedling figs by the Department of Agriculture: In view of the remarkably large proportion of valuable figs and caprifigs that have been found among the seedlings planted by Mr. Maslin, it becomes evident that the Lob Ingr (Bulletin Smyrna, Commercial Smyrna, California) fig is not a highly bred variety, but is, doubtless, merely a chance seedling that originated in the Meander Valley in Asia Minor perhaps many hundreds of years ago. The foothills in the vicinity of Aidin have been celebrated for the high quality of the figs they produce for at least 2,000 years.

The Bureau of Plant Industry has grown several thousand seedling figs from the best obtainable Smyrna figs, including the Lob Ingr and the Rixford varieties, and these 1-year-old pot-grown trees are now available for free distribution to all who apply. In order to encourage the planting of seedling figs, and thereby the breeding of new varieties of figs and caprifigs especially well adapted to California conditions, the Department of Agriculture will give one cutting of a new fig or new caprifig from the Maslin orchard for every three seedling figs set out at least 25 by 8½ feet apart. Those who plant out seedling figs under these terms will be considered as cooperating in the fig breeding work of the department, and will be preferred in the distribution of new varieties that may be originated in the experimental fig orchards of the Bureau of Plant Industry, besides receiving all publications on fig culture of fig varieties to be issued by the bureau. Cuttings from the Maslin seedling fig orchard will be sent only to such cooperators.

Mamme and profichi from the Maslin orchard placed at the disposition of fig growers: One of the chief objects of the Department of Agriculture in leasing the Maslin orchard was to prevent anything like a corner in caprifigs. The mamme and profichi produced by the orchard will, for the present at least, be placed at the disposition of fig growers who do not have enough profichi to caprify their own orchard, and who wish an additional supply for their own use and not for sale. So far as possible mamme will be sent in small boxes by mail free of all charges, but the profichi must be shipped by express, and the grower must arrange to gather them himself, or else pay the caretaker the actual cost of picking and packing. Cooperators who have planted out seedling figs will be preferred in the distribution of mamme and profichi.

Names of all fig growers desired by the Department of Agriculture: A concise circular and a fuller bulletin are being prepared for distribution to fig growers by the Bureau of Plant Industry. These publications will give detailed information as to how to grow caprifigs, and will explain fully how to secure the new figs and caprifigs as a bonus for planting seedling figs.

All fig growers are therefore requested to send at once their names and full addresses to the Department of Agriculture in Washington, so they can be placed on the mailing lists to receive the circulars mentioned above.

Now, the reason I wish to speak to you is just this, that in view of the fact that the ranch is offered for sale, that it is leased for only a single year at a time, it was uncertain as to the future of this orchard, and the Department of Agriculture has taken over a lease of this seedling fig orchard and will run it for the benefit of the fig growers of California; that is to say, the cuttings of the valuable caprifigs will be distributed to fig growers under certain conditions, and those who need a supply of the fig insects will be furnished free of charge. Those who wish to use the caprifigs for caprifying their orchards can obtain them at the actual cost of picking, packing, and shipping. When I tell you that 452 boxes, weighing 20 pounds each, were shipped last season, you will realize that quite a large bulk is involved, too large a bulk for the department to ship free of all charges; but for the growers who need these caprifigs for their own use—not for sale—they will be furnished at the actual cost of picking and packing.

Now, as to the condition under which the Government will do this.

Years ago I was shown conclusively that it is necessary to maintain an abundant supply of fig insects that have an abundant assortment of male figs. It is not sufficient to buy one or two of the best caprifigs—that is, the largest insects and the most pollen—you must have those, too, but you must also have other varieties in which the insect can live throughout the other months of the year. Every fig grower should plant in his orchard a small caprifig orchard. They can be planted thickly, and he should have at least 8 or 10 varieties. We have been for years collecting in the Old World cuttings of all the best-known caprifigs. We have 65 varieties in the orchard at Loomis. These cuttings of caprifigs will be distributed free to all growers throughout this State and other States upon application, upon this condition, that for every fig tree they receive they agree to plant out 10 seedling fig trees, which the department will furnish free of all cost. To tell you why I make this condition, it is to prevent the miscellaneous request for free trees with which we would be overwhelmed otherwise; and, secondly, to encourage the planting of seedling fig trees. Mr. Rixford and I have been fortunate in having been able to make an investigation of the fig trees in Mr. Maslin's orchard, and we assume that at least 10 per cent of these figs are excellent new varieties of high value; that is, I mean edible figs. At least 10 per cent of the caprifigs are also very satisfactory varieties. So, in asking the grower to plant 10 seedling trees, we are not asking him to throw his money away but to carry on one step further the experiment Mr. Maslin made years ago; and I think you will find it interesting to watch these new varieties as they come into bearing. They can be planted rather thickly. I am making this announcement primarily to ask the fig growers in this State to send their names and addresses to Walter T. Swingle, Bureau of Plant Industry, United States Department of Agriculture, Washington, D. C., in order that they may receive circulars giving the exact conditions of this distribution and explaining in detail why we are leasing this orchard.

Now, I want to ask the permission of the chairman that Mr. Rixford explain something of the value of the variety of edible figs found in this orchard. I am not myself an expert on edible figs. I want to say just one word, which I am sure your chairman will be interested in. Through chance we have secured the finest strain of the fig insect there is in the world. I say this because I visited the fig centers of the Old World several times, and all through there the fig trees are infested by two fig insects, the *Blastophaga*, the true fig insect, and the *Phyllosticta*, which occupies a space that the fig insect should have occupied. In some places in north Africa I found that more than one-half the insects were these worthless *Phyllosticta*, the messmate of the *Blastophaga*, and the value in the Old World is partly governed by the value of this insect. Fortunately, in California we have a pure strain of *Blastophaga*. It has no parasite; and I wish to make this public announcement to discourage any further attempt to introduce new *Blastophaga* from the Old World, an attempt fraught with the danger of introducing the *Phyllosticta*. We have countless millions of *Blastophaga* in the State. There is, of course, no earthly reason for reinfesting. I give this as a warning to not reimpose the fig insect.

MR. ONSTADT. When were those insects introduced up here at Maslin's place?

MR. SWINGLE. They were introduced by Mr. Roeding, I think, in 1891. That is a few miles up the road. They were introduced a few years later to Mr. Maslin's place through Mr. Mazel, then the tenant; but in putting the insects on the trees Mr. Mazel noticed that there were a few insects there. They had extended from another place about 13 miles away.

Mr. ONSTADT. I am about 35 miles away from Maslin's. How did the insects get there?

Mr. SWINGLE. They were blown through the air. It is an insect which can stay in the air for several hours.

President JEFFREY. I would like for Mr. Rixford to make it clear what trees are benefited by this. There are some fig orchards, of course, where there is no use for the insect.

Mr. RIXFORD. Speaking of caprifying different varieties of figs, Dr. Swartz in 1893 at Fresno found several varieties that do not actually require caprification were greatly benefited when caprified. There is a certain flavor to the seeds which contain the kernels that is beneficial to the fig as an eating fig. You perhaps may not be aware that in all of the ordinary California figs that do not require caprification the seeds are empty shells, contain no kernels, and will not germinate. I have gathered recently about 60 varieties of seeds from the London horticultural collection, and a large number of those had not been caprified—the seeds would float on the water—and those that were growing in the neighborhood of the capri trees were all heavy, so it was very easy to tell the fertile ones from the infertile ones. We have given considerable attention to the Loomis orchard, and have found several varieties that are of superlative merit. There is one fig in particular which Mr. Swingle's sharp eye detected first. It is a fig that he calls a self-sealer. We found that the figs laying upon the ground—those that had been caprified—generally had the eye quite open, so that after lying on the ground a short time beetles of different kinds entered them, laid their eggs, and in a few days they were full of maggots. There are two trees here in the fruit of which the opening is stopped up by a little drop of sirup. We have an idea that it may be quite an advantage to propagate that variety. I have some samples here of two of them. These figs have undergone no treatment; they are just as we picked them off the ground.

Mr. SWINGLE. I might say that the ordinary fig with the open mouth is entered by all kinds of insects, and frequently it carries bacteria. This fig is protected. I have been asked if cuttings of this variety can be obtained under the terms and conditions I spoke of. They can. I will state that we will distribute a limited number of the cuttings of this variety. This is the Rixford fig, named in honor of Mr. Rixford, the first to introduce the Smyrna fig into this State. In regard to the pistache nut, we sent an expert to Sicily, who got the first commercial varieties of pistache nuts. The entomologist at Washington discovered a new—and, they believed, a very dangerous—pest, a beetle burrowing in the buds, and no shipments were allowed to be sent out. We dug up trees, and they were shipped back to Washington and repotted. Out of the 500 we only saved 6 or 8; and I make this explanation. You will obtain them. We have some up at Chico; they are growing rapidly, but we are, unfortunately, unable to supply the buds at the time stated. It was the discovery of this unknown pest, which had not been known in the world at all.

#### TANGELOS: WHAT THEY ARE—THE VALUE IN FLORIDA OF THE SAMPSON AND THORNTON TANGELOS.

[United States Department of Agriculture, Bureau of Plant Industry, crop physiology and breeding investigations.]

For a number of years the Department of Agriculture has been testing a large number of crosses between different varieties of citrus fruits, one of these crosses (between the tangerine orange and the grapefruit) producing a new type of fruit, which has been named the tangelo. As a class these fruits resemble round oranges more than either of their parents and are exceedingly variable, sister fruits from seeds of a single cross-pollinated fruit often being very unlike. Second-generation seedlings, however, reproduce the parent variety almost as closely as though grown from a bud of the parent tree.

Two well-recognized varieties of these fruits have been thoroughly tested and for a number of years past have been distributed to co-operators for further trial. These tangelos are called the Sampson and the Thornton. They have been grown in a small way only and, until recently, chiefly for home use. Failure to appreciate their proper stage of maturity has served to disappoint many who have experimented with this new type of fruit. When eaten before fully ripe the fruit is disappointing, the flavor being disagreeably acid. It colors up early and externally appears mature long before it is really ready for consumption.

The Sampson tangelo is under normal conditions a decidedly late fruit, maturing in Florida about the time of the Tardiff orange, (through March, April, and May. The Thornton is considerably earlier, the time of ripening, however, seeming to vary in different sections, though it usually is not mature before January or February. Some trees, however, have lately come to notice, the fruit of which is distinctly early, ripening in November and December.

As commercial plantings are being made at several places in Florida, it is important that citrus growers should have a clear understanding of the characteristics of the two types now available.

The Sampson tangelo is a slightly pear-shaped, thin-skinned, smooth, and shining fruit, of variable size, though usually larger than an average orange, pale orange in color, with a rather acid, sprightly flavored, aromatic, soft, and juicy, deep orange-colored pulp. If properly grown and picked when fully mature, it is a delicious fruit. It is liable, however to dry out on one side before fully ripening, a fault assumed to be due to sun scald. This tendency will probably preclude its culture on an extensive scale except by experts for a special market. It has in some cases been necessary to throw away as culls a large percentage of the crop of this variety even in the regions where it grows best. There is some evidence going to show that the tendency of the fruit to sun scald is less pronounced in occasional trees. Care should be taken to secure bud wood from such trees for further propagation.

The Thornton tangelo is of a different type—a rather rough, thick-skinned fruit of good size, with light or very pale orange-colored juice and sprightly flavored pulp. It has little acidity and resembles a tender, good-flavored orange more than a grapefruit or tangerine. When fully ripe it is so tender that extra care may be necessary in packing it for shipment. In this regard and in its rather fine mind it resembles the tangerine. It may be eaten out of hand, like a tangerine, but is doubtless better when halved and eaten like a grapefruit. It requires no sugar, and the pulp is so tender it can be removed with a spoon without cutting the segments; moreover, there is little or no tendency for the juice to squirt when the spoon is inserted in the segment. While the Thornton fruit is not as attractive in appearance as the Sampson, it is milder in flavor and by some is preferred on this account. The fruit of both sorts should receive thorough spraying to produce clean, bright tangelos. Citrus scab is especially disfiguring on the Sampson tangelo, which seems to be rather susceptible to this disease. All foliage affected with scab should be carefully pruned away.

An early-maturing tangelo of good quality is desirable to furnish a supply throughout the shipping season and in some locations to avoid the danger of freezing before maturity. Buds from the early Thornton trees referred to above will be thoroughly tested in different localities to see if this tendency is inherent or due to local conditions. With the large number of similar hybrids still to be fruited, there is little doubt that desirable fruits will be obtained, ripening throughout the whole season, from November to July.

The success of these first two hybrids, using the tangerine and grapefruit as parents, has led to the creation of hundreds of additional hybrids between all the Mandarin types of oranges, including several varieties of tangerines, the King and Satsuma oranges, and the better types of grapefruit and pummelo. Among the tangelos resulting from such crosses are some of much promise, but further testing is necessary before any of these can be recommended for general planting.

For the canker-infested portions of the Gulf Coast States west of Florida there is reason to believe that some of these tangelos will be found of marked canker resistance. These will serve as substitutes for the very susceptible grapefruit largely grown for home use in this region. Tests now being made at the College of Agriculture, Los Banos, P. I., using a large number of tangelos supplied from material under test in this country, show a wide range of susceptibility, some of the tangelos being apparently canker resistant.

The fact that the Natsu-mikan, a fruit similar to a tangelo and possibly a spontaneous hybrid of an orange of the Mandarin type with a Japanese pummelo, seems to be decidedly canker resistant both in Japan and in this country confirms the belief that canker-resistant tangelos may be with reason expected from Mandarin-pummelo crosses, especially when one or, preferably, both of the parents are canker resistant, as would be the case with a cross between the Satsuma orange and the Hlado pummelo.

Hybrids between canker-resistant pummelos and other citrus fruits were made in Japan in 1915 and subsequent years through the cooperation of several of the imperial and provincial agricultural experiment stations. The resulting crosses are being tested for canker resistance both in Japan and in the Philippine Islands.

WALTER T. SWINGLE,  
Physiologist in Charge,  
T. RALPH ROBINSON,  
Crop Physiologist.

WM. A. TAYLOR,  
Chief of Bureau.

Approved:

APRIL 18, 1918.

#### MEMORANDUM IN REGARD TO THE ESTABLISHMENT OF THE DATE INDUSTRY IN THE SOUTHWESTERN UNITED STATES.

Twenty years of experimental work in cooperation with the State experiment stations of Arizona and California have shown that the hot irrigated valleys of the Southwest are well adapted to commercial date culture. For 10 years date culture was problematical and no marketable dates ripened. Just at the beginning of the Great War marketable dates began to be produced in both the Coachella Valley in California and the Salt River Valley in Arizona, but because of the war this promising new industry attracted little attention. At the present time the date industry is attracting much attention and abundant capital stands ready to push this new fruit industry just as fast as the experimental work of the Department of Agriculture blazes the way.

In many ways the date palm is unique. It stands large amounts of alkali in the soil, is not affected by hot winds or sand storms, and is strikingly adapted to culture under extreme desert conditions, provided water for irrigation is available. On the other hand, the date palm reproduces with extreme slowness and the best varieties produce on the average only a dozen offshoots during the whole lifetime, producing only one or two a year until the offshoot bearing age is past. In the second place, the date palm can not, like all other fruit trees, be budded or grafted. If the wrong variety is planted the trees must be dug up at great expense and destroyed and offshoots of better varieties set in their place.

This new industry is in a critical condition, therefore, having been proven to be adapted to the Southwest, but having unusual handicaps which interfere with its power of rapid expansion which are not inherent to any other fruit industry.

Preliminary experiments give promise that new methods of rooting offshoots will make possible considerably greater offshoot production, and at the same time experiments in date breeding have shown the possibility of originating new and very choice varieties especially adapted to local conditions, provided the single choice trees so produced can be multiplied rapidly until plantings can be made on a commercial scale. Also it is very desirable to introduce under proper safeguards additional choice offshoots from the Old World, since substitution later on is impossible. The right variety must be planted at the start.

In the present stage of the date industry in the United States the \$10,000 increase requested for this work in the appropriation for the Office of Crop Physiology and Breeding, Bureau of Plant Industry, is really to be considered as a high-class investment. There can be no doubt that from now on the money invested in the scientific study of the date industry will revert to the Federal Government in tenfold amount in the form of income-tax returns.

This same Office of Crop Physiology and Breeding 10 years ago established in the Southwest the Peruvian alfalfa through scientific investigation. This alfalfa yields two more cuttings than the ordinary alfalfa grown in the Southwest and is rapidly replacing all other varieties in this region. This same office, in cooperation with four other offices of the Department of Agriculture, established in the Salt River Valley the culture of Pima cotton, the longest-fibered Egyptian cotton in the world.

In the case of the Peruvian alfalfa and the Egyptian cotton the returns to the Federal Government in the form of income taxes exceed each year twentyfold the total cost of the work by the Department of Agriculture. It will undoubtedly prove to be true also in the case of the date palm, and it is not economy, but rather the reverse, to withhold the small amount necessary to push this industry and establish it on a flourishing basis in the next few years.

There is every reason to expect the date industry to grow rapidly until a capital of from twenty-five to fifty million dollars is invested. It will supply the whole of America with the cleanest and best dates that are to be found in any part of the world and will prove beneficial not only to the growers but to the consumers as well.

JANUARY 10, 1921.

## MEMORANDUM ON NEW TYPES OF CITRUS FRUITS.

Experiments in the breeding of citrus fruits which have been under progress for the last 10 years have shown beyond question that it is possible to originate new types of citrus fruits and of stocks upon which to graft citrus fruits which are better adapted to the soil and climatic conditions than any of the citrus fruits or stocks now grown commercially. This type of work is particularly important for Arizona and Texas and California, where the attempt is being made to grow citrus fruits under unusual conditions—that is, where the climate is exceptionally dry and the soil markedly deficient in humus.

The Sampson tangelo is a sample of one of the new types of citrus fruits being originated by cross breeding. It is a hybrid of the grapefruit and tangerine, but is quite different from either parent, and has, where it can be grown, proved to be extremely profitable to the grower and very popular with the consumer.

The work on breeding new fruits is carried on in the office of Crop Physiology and Breeding Investigations. The work of bud selection of fruits which have entered commercial culture is carried on in Investigation and Improvement of Fruits, particularly by Mr. A. D. Shamel, stationed at Riverside, Calif., and the investigation of the limiting climatic factors, the understanding of which are so highly important in successful orange culture in Arizona and the hotter parts of California, is carried on by the office of Biophysical Investigations. All three of these offices are in the Bureau of Plant Industry.

Crop Physiology has been allowed \$5,000 increase out of \$20,000 asked for in the estimates; Investigation and Improvement of Fruits has been allowed no increase out of \$26,800 asked for, of which \$15,000 would go to Mr. Shamel for his bud-selection work; Biophysical Investigations has been allowed the full amount asked for, \$32,500.

FEBRUARY 5, 1921.

The PRESIDING OFFICER. The amendment of the Senator from Arizona, as modified, to the amendment of the committee will be stated.

The ASSISTANT SECRETARY. In lieu of the sum proposed to be inserted by the committee, on page 20, line 5, it is proposed to insert "\$61,860."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Agriculture and Forestry was, beginning at the top of page 26, to strike out:

Purchase and distribution of valuable seeds: For purchase, propagation, testing, and congressional distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants; all necessary office fixtures and supplies, fuel, transportation, paper, twine, gum, postal cards, gas, electric current, rent outside of the District of Columbia, official traveling expenses, and all necessary material and repairs for putting up and distributing the same; for repairs and the employment of local and special agents, clerks, assistants, and other labor required in the city of Washington and elsewhere, \$360,000. And the Secretary of Agriculture is hereby directed to expend the said sum, as nearly as practicable, in the purchase, testing, and distribution of such valuable seeds, bulbs, shrubs, vines, cuttings, and plants, the best he can obtain at public or private sale, and such as shall be suitable for the respective localities to which the same are to be apportioned, and in which same are to be distributed as hereinafter stated, and such seeds so purchased shall include a variety of vegetable and flower seeds suitable for planting and culture in the various sections of the United States: *Provided*, That the Secretary of Agriculture, after due advertisement and on competitive bids, is authorized to award the contract for the supplying of printed packets and envelopes and the packing, assembling, and mailing of the seeds, bulbs, shrubs, vines, cuttings, and plants, or any part thereof, for a period of not more than five years nor less than one year, if by such action he can best protect the interests of the United States. An equal proportion of five-sixths of all seeds, bulbs, shrubs, vines, cuttings, and plants shall, upon their request, after due notification by the Secretary of Agriculture that the allotment to their respective districts is ready for distribution, be supplied to Senators, Representatives, and Delegates in Congress for distribution among their constituents, or mailed by the department upon the receipt of their addressed franks, in packages of such weight as the Secretary of Agriculture and the Postmaster General may jointly determine: *Provided, however*, That upon each envelope or wrapper containing packages of seeds the contents thereof shall be plainly indicated, and the Secretary shall not distribute to any Senator, Representative, or Delegate seeds entirely unfit for the climate and locality he represents, but shall distribute the same so that each Member may have seeds of equal value, as near as may be, and the best adapted to the locality he represents: *Provided also*, That the seeds allotted to Senators and Representatives for distribution in the districts embraced within the twenty-fifth and thirty-fourth parallels of latitude shall be ready for delivery not later than the 10th of January: *Provided also*, That any portion of the allotments to Senators, Representatives, and Delegates in Congress remaining unclaimed for on the 1st day of April shall be distributed by the Secretary of Agriculture, giving preference to those persons whose names and addresses have been furnished by Senators and Representatives in Congress and who have not before during the same session been supplied by the department: *And provided also*, That the Secretary shall report, as provided in this act, the place, quantity, and price of seeds purchased, and the date of purchase; but nothing in this paragraph shall be construed to prevent the Secretary of Agriculture from sending seeds to those who apply for the same. And the amount herein appropriated shall not be diverted or used for any other purpose but for the purchase, testing, propagation, and distribution of valuable seeds, bulbs, mulberry and other rare and valuable trees, shrubs, vines, cuttings, and plants.

Mr. SHEPPARD. Mr. President, I renew the amendment I offered shortly before adjournment on yesterday. It is an amendment to which I believe the chairman of the committee said he had no objection.

Mr. GRONNA. May we have the amendment stated?

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT SECRETARY. On page 27, line 8, it is proposed to amend the text of the part proposed to be stricken out by inserting, after the words "Delegates in Congress," the words "and the Resident Commissioner of Porto Rico."

Mr. GRONNA. I will say to the Senator from Texas that I believe that amendment ought to go in, regardless of whether the seed provision is restored or not, because we ought not to discriminate against Porto Rico.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Texas.

The amendment was agreed to.

Mr. SHEPPARD. Mr. President, the same amendment should be made at two other places in the part proposed to be stricken out.

After the word "Delegate," in line 16, page 27, I move to add the words "or to the Resident Commissioner of Porto Rico."

The amendment was agreed to.

Mr. SHEPPARD. And on line 25, page 27, after the word "Congress," I move to insert the words "and to the Resident Commissioner of Porto Rico."

The amendment was agreed to.

The PRESIDING OFFICER. The question now is on striking out the House provision as amended.

Mr. KENYON. Mr. President, a parliamentary inquiry. The Senate committee proposes to strike out the House provision. Is not the question on adopting the Senate amendment? I am trying to get at the parliamentary situation.

The PRESIDING OFFICER. The parliamentary situation is that the question is on striking out the House provision as amended.

Mr. THOMAS. Mr. President, is the amendment now pending the one which is designed to restore the seed provision?

Mr. GORE. To strike it out.

Mr. THOMAS. I shall vote "aye."

Mr. HARRISON. Mr. President, for several years the House has placed this item in the bill. The Senate generally comes along and strikes it out, and then the matter goes to conference, and I know of no time when the Senate has had its way about it. It has always acceded to the wishes of the House, and the bill then became a law, and the people of the country got their free seeds.

I see no reason in sending the matter to conference. There is no use in trying to economize by keeping these seeds from the farmers. We have heard a great deal about the farmers at this session of Congress. A great many Senators thought it would aid the farming element a great deal to pass a so-called emergency tariff bill here, which was a species of hypocrisy the like of which has never been seen in Congress before. Now you propose to take away from the farmers a small pittance of seeds that they have received before. I am opposed to that kind of hypocrisy and that kind of economy.

Yesterday we passed a bill to loan to the farmers in the drought-stricken areas of the Northwest some money with which to purchase seeds—a very appropriate piece of legislation. I see no wisdom in appropriating \$5,000,000 to loan to farmers in drought-stricken areas to purchase seeds and then eliminating from this bill a provision for the purchase of seeds to be sent to farmers everywhere.

I am in favor of treating the farmers all over the country alike; and it seems to me that the Senate committee's recommendation in this matter should be overruled, and that we should incorporate this seed provision in this bill, because in the end we know that the Senate will have to accept the provision.

Mr. GRONNA. Mr. President—

Mr. HARRISON. I yield to the Senator.

Mr. GRONNA. The Senator is consistent. He opposed striking out this provision in the committee—

Mr. HARRISON. Yes.

Mr. GRONNA. And of course he has the right to oppose it now.

The Senator asked if it was consistent to appropriate money for the purchase of seeds for farmers. The Senator would not for a moment allow the seeds which we were supposed to purchase under the bill passed yesterday to be shipped either by mail or by express. The Senator knows that we are paying out enormous sums of money because these seeds go through the mails. I believe that we could help the farmers a great deal more by furnishing them rare and valuable seeds from some other source; and I want to say to the Senator, as chairman of the committee, that if I am appointed one of the conferees I shall insist that the free-seed provision shall stay out of the bill.

Mr. HARRISON. I am opposed to that. I hope we will not instruct the Senator from North Dakota and his colleagues in conference to insist on striking the provision for these seeds from the bill and withhold them from the farmers of the country. It is very little we can do for them in appropriating this seed money, and let us do this small thing. Let us not have Congress adjourn and have anyone say we did nothing for the farmers.

Everybody seems to concede, at least on the other side of the aisle, that the so-called emergency tariff bill will not become a law. It is said in the newspapers that a great many of the Senators on the other side voted for the so-called emergency tariff bill because they thought the President would veto it, and that it therefore could not become a law.

Mr. BORAH rose.

Mr. HARRISON. Of course, the Senator from North Dakota never said that, and the Senator from Idaho did not say that.

Mr. GRONNA. If the Senate should instruct the conferees to keep the provision in the bill, of course there would be nothing else for the conferees to do than to insist that it should remain in the bill.

Mr. HARRISON. I am very anxious to see legislation expedited in every way, and if we agree to what the House has done, we will be following precedent after precedent of past Congresses and it will relieve the conferees from much discussion.

Mr. GRONNA. When the bill is sent back to the House, it will go to the Committee on Appropriations first, and I believe it is possible to get an agreement with the conferees of the House to leave out this provision.

Mr. HARRISON. I am opposed to that. That is why I want the Senate to instruct the conferees to accept the House bill; because I am afraid that if we get it before the steering committee of the House, which steering committee is made up of gentlemen who live in large cities of the country, we may not be able to do something for the farmers we now have an opportunity to help.

Mr. GRONNA. The committee of the House, of course, left this provision out. I believe it was put in on the floor of the House.

Mr. HARRISON. Yes; the House of Representatives put it in, and it seems to me the Senate should leave it in, so that this Congress will not adjourn and let it be said by the country at large that we have done nothing for the farmers. Let us give them a little pittance of a few seeds, if nothing else. So I ask for a record vote on this proposition.

Mr. CAPPER. Mr. President, I would like to say to the Senator from Mississippi that, as far as Kansas is concerned, the farmers do not want these seeds.

Mr. HARRISON. May I say to the Senator that if Kansas does not want them, and they will give to Mississippi the pro rata part of Kansas, we will take it.

Mr. CAPPER. I would like to read to the Senator a few lines of a communication from the head of the agricultural department of Kansas, Mr. J. C. Mohler. He attaches to his letterhead a clipping from the daily newspaper announcing that the House of Representatives had appropriated \$365,000 for seeds, and then he writes:

If you could have this free-seed provision eliminated, it would be a fine service and a big saving. We think this free-seed distribution is bad business and a waste of funds.

I think he speaks for about ninety-nine out of one hundred of the farmers of Kansas.

Mr. JONES of Washington. The Senator from Mississippi [Mr. HARRISON] has advocated free seeds for the farmers of the country. I simply want to read what some real farmers say.

I have here a letter from the Mayview Farmers' Union, No. 4, present membership 52, their motto being "Justice, equity, and the Golden Rule." This is written from Mayview, Wash., a small country place, and is dated February 3, addressed to the United States Senate, and reads as follows:

MAYVIEW FARMERS' UNION, No. 4,  
Mayview, Wash., February 3, 1921.

To the United States Senate:

Whereas commercial depression, poverty, and starvation are abroad on this earth, taxation has reached the limit, and every dollar of public money should be spent for the best purpose possible; and

Whereas the "free distribution of garden seeds" is of very doubtful utility, and under these conditions we would be ashamed to accept them; Therefore

We, Farmers' Union, No. 4, in session to-day (19 present), respectfully and earnestly urge you to defeat the garden-seed appropriation, thereby saving for a more useful purpose the \$360,000 cost, the clerical labor placing them in the mail, and the expense of transporting and delivering them.

Unanimously passed.

J. L. HORRELL, President.  
C. W. COTTON, Secretary.

Presented through the courtesy of Senator JONES.

That, Mr. President, is the voice of real farmers.

Mr. BORAH. I want to ask the chairman of the committee how much this seed distribution amounts to in the way of an appropriation.

Mr. GRONNA. The appropriation carried in this bill is \$365,000, but it costs the Government many, many times that for carrying them through the mails. I have not been able to figure out exactly the cost, but it runs into the hundreds of

thousands of dollars, because we have to pay for carrying the seeds through the mails.

Mr. TOWNSEND. After we buy the seed.

Mr. GRONNA. We buy the seed for \$365,000, but it costs a great deal more than that to transport them through the mail.

I want to say to the Senator from Idaho and to the Senate that the committee thought there was more need for the preservation of our forests throughout the entire country, and the committee increased the appropriation for cooperative work in the saving of the forests from \$125,000 to \$625,000, so that the increase in the Forest Service is only a little more than the amount appropriated for free seeds.

Mr. BORAH. Mr. President, I have not taken the floor to debate in favor of the free-seeds proposition. I simply desired to inform myself as to how much the Senate could save by cutting out the distribution of seeds, while the Committee on Military Affairs and the Committee on Naval Affairs are contemplating seriously raising the appropriations some \$150,000,000.

Mr. SMOOT. Mr. President, I think the Senator from Washington will have to write back to his constituents and tell them that even though the seed distribution item goes out of the bill, the appropriation for paying those who distribute the seed will remain. While the provision for the free seeds is going out, the committee thought that the salary of the man who is in charge of the distributing of the seed should be increased. So they went to work and increased it from \$2,500 to \$3,000.

Mr. President, I think we ought to cut the item for free seeds out, and I hope it will go out, as far as the farmers are concerned, because the farmers care nothing about it whatever. The only good that can come from it would be the distributing of the seed to the school children of the country, to inspire them to start little gardens, and get them to raising some vegetables instead of playing around and getting into mischief. But in this bill the same expense for distributing the seed is provided for as if they were going to continue the distribution of seed hereafter.

Mr. SMITH of South Carolina. Mr. President, of course it is a matter of indifference to me whether this item stays in or goes out. But I do not think there will be any added expense whatever, under the present machinery of our Government, beyond the \$365,000, because our postal regulations are such that the same force which is there now will transmit the seed, and we have so much space rented and engaged on the basis of weight, that is determined when seed are not weighed in. Therefore it will make practically no additional expense.

What I rose to remark is that I do not propose to let pass unnoticed the statement that if this item for free seed is cut out the officer who has charge of the distribution should go. The real truth is that with the provision for free seed cut out we provided that the officer who has the distribution in charge should not only be retained but increased in salary.

I was one who insisted that that should be done, for the reason that we have other seed and rare varieties of trees and shrubs which we provide for. I have had some experience with Mr. Jones, and, as I said yesterday, and I take this occasion to repeat now, it would be an investment on the part of the Agricultural Department to keep such an official as he is. Because of his efficiency and the universal recognition of it, we provided a place for him that would not depend upon the going out of the seed provision. That is the reason we kept him and placed him in a position where his services could be utilized.

Mr. KENYON. Mr. President, for 10 years I have heard very powerful pleas on the floor of the Senate to retain this seed distribution, none, I think, so powerful as the plea in behalf of the farmer just delivered by the distinguished Senator from Mississippi [Mr. HARRISON]. During every one of the 10 years this hoary-headed old graft has marched into this Chamber, and the Senate most of the time has thrown it out. Now it is presented again.

There is not much use talking about economy in this Congress if we are to appropriate \$360,000 for such a farce as this free-seed distribution is. It is the laughing stock of everybody who receives any of the seed, and a humiliating thing to anybody who ever plants any of it.

Mr. Jones's salary has been referred to by the Senator from South Carolina. I can see some reason for increasing Mr. Jones's salary, even if we eliminate the seed distribution. Heretofore Mr. Jones has had the delightful association of Members of Congress, rushing to him to find out about beet seed, and turnip seed, and carrot seed. He spent a large part of his time conversing with Members of Congress. That was a delight, and that should be taken into consideration in fixing his salary. He was willing to serve for less in view of that.

Now that we are to take this charming duty away from him it is very proper that, as he is not in the future to have the pleasure of mingling with Members of Congress who are chasing for seeds to send out to their constituents to make them think what they are doing for them, his salary ought to be increased, and I think it is a very proper thing to do, as he is a valuable man.

Mr. KELLOGG. Mr. President—

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. KENYON. Certainly.

Mr. KELLOGG. Has the Senator consulted Mr. Jones about this "pleasure"?

Mr. KENYON. No; because I do not send out these seeds. I am reminded of a meeting in my State one time when a Congressman, whose name I will not mention, and I addressed the meeting, and I denounced this procedure of sending out garden seed. I received a letter two days afterwards saying that evidently as I did not want my allotment of seed he would like to have them.

Seriously, however, it seems to me, Mr. President, such a silly performance, with the condition of the Public Treasury, to be sending out, at a tremendous expense, little packages of seed, and then talking about them being for the benefit of the farmer. I am inclined to think the Senator from Mississippi was talking in a Pickwickian way, of which he is such an able master. I hope that the conferees on the part of the Senate this year, especially in view of the fact that the House, if I understand it, only adopted this by 7 majority on the floor, will stand firmly and let this bill fail, if necessary, rather than let this provision stay in. It would add to the respect the people of the United States have for the American Congress, and at least would lead them to think that we were going to save some money, even in small ways. It is about time that the process of economy commence. This garden-seed appropriation has always been a farce and always will be. Let us end it now, once and for all.

Mr. SMOOT. Mr. President, from what the Senator from South Carolina has stated, the inference may be drawn that I am opposed to Mr. Jones. I wish to inform him that I have no opposition to Mr. Jones. I know the gentleman and know him to be a very fine man, but he has had certain duties to perform in the past, and the greater part of those duties, together with the numerous employees that he had under him to perform them, have been taken away largely through the elimination of the seed for distribution. There is no new work put upon him or those employees. The distribution of rare seeds has been going on for years, and has been carried on by Mr. Jones in connection with the seeds that were supposed to go to the farmers and that cost \$365,000 a year for the seeds alone. So there is no more work for the future, as far as rare seeds are concerned, than there has been in the past.

I could not help believing that taking that work away from Mr. Jones and his assistants—preparing millions of packages of seeds to be sent to all parts of the country, all the addresses to be placed upon them, and gathered together and sent to the post office, and all that sort of work—should enable us to cut out some of the employees provided for in the past. That is the object I had in saying what I did. I think Mr. Jones could well be used, perhaps, in some other work in the department, and perhaps with greater responsibility than sending seeds out to the farmers. He may be all that the Senator says he is, and I have not any doubt that that is true, but if we are going to relieve the taxpayers of the United States—I say "if," but we have got to do it. I wish to say frankly that there is no "if" we are going to do it." We have got to do it or there is going to be trouble in the United States. I think we ought to begin with the small things and carry it up through all the appropriations of the Government and cut out every unnecessary expense. The American people expect us to do it.

Mr. GORE. Mr. President, the history of the seed provision in the House sheds some light on the action of the Senate Committee on Agriculture and Forestry. The House committee in reporting the Agricultural appropriation bill to the House left out the appropriation for seeds. Having left out the appropriation for the purchase of seeds, they also left out the appropriation for Mr. Jones, who is charged with the distribution of the seeds. On the floor of the House the appropriation for the purchase of seeds was restored. I take it that through an oversight the appropriation for Mr. Jones's salary was not restored. So as the bill came to the Senate it contained an appropriation for the purchase of seeds and made no provision for their distribution.

The Senate committee struck out the provision for the purchase of seeds and restored the appropriation for Mr. Jones,

charging him with the distribution of rare seeds and plants, a duty which ought to be carried forward regardless of the free garden-seed provision. I think the free garden-seed provision ought to be stricken out, because there are other duties remaining for Mr. Jones to perform, and this provision in his behalf ought to be carried, but we find ourselves in this situation: No one can foresee the eventualities of a conference, and even though the Senate strikes out the provision for the purchase of seeds, if by any chance it should be restored in conference and the Senate should make no permanent provision for Mr. Jones, we would find ourselves in the position of having a provision for the purchase of seeds and no appropriation for any officer to make their distribution.

I think Mr. Jones is a very capable officer, and for my own part I hope that the recommendation of the committee to increase his salary to \$3,000 will prevail.

Mr. HARRISON. Mr. President, it is late in the afternoon, and I shall not ask for a quorum nor shall I demand the yeas and nays. I shall content myself with merely asking for a division on the proposition.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment as amended.

On a division, the committee amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, on page 28, line 24, to reduce the appropriation for general expenses of the Bureau of Plant Industry from "\$2,568,770" to "\$2,394,235."

The amendment was agreed to.

The next amendment was, on page 29, line 1, to reduce the total appropriation for Bureau of Plant Industry from "\$3,067,270" to "\$2,895,735."

The amendment was agreed to.

The next amendment was, on page 42, line 5, after the word "lands," to strike out "\$50,000" and insert: "\$115,000: *Provided*, That not less than \$25,000 shall be used for the study of forests on farms and for advising farm owners as to the planting of forest trees, the establishment and care of windbreaks, shelter woods, and woodlots," so as to read:

For silvicultural, dendrological, and other experiments and investigations independently or in cooperation with other branches of the Federal Government, with States and with individuals, to determine the best methods for the conservative management of forests and forest lands, \$115,000: *Provided*, That not less than \$25,000 shall be used for the study of forests on farms and for advising farm owners as to the planting of forest trees, the establishment and care of windbreaks, shelter woods, and woodlots.

Mr. BORAH. Mr. President, I desire to offer an amendment to the amendment. On page 42, line 9, after the word "woodlots," I move to insert:

*And provided further*, That not less than \$15,000 shall be used for forest investigation in Idaho and the inland empire.

Mr. GRONNA. Mr. President, I have no objection to the amendment offered by the Senator from Idaho, but I believe we would have to increase the appropriation, because \$40,000 is allotted for experiments at forest stations and \$25,000 for the purpose provided in the committee amendment.

Mr. BORAH. Very well. I further move to amend by increasing the amount of the appropriation, on page 42, in line 6, from \$115,000 to \$130,000.

Mr. WALSH of Montana. Mr. President, I am not sufficiently acquainted with geography to have in mind the exact boundaries of "the inland empire." I should like to inquire of the Senator from Idaho if it includes Montana?

Mr. BORAH. It includes Montana.

Mr. WALSH of Montana. Is this an official designation?

Mr. BORAH. I offered the amendment in the language which was furnished me by the Forestry Bureau. It is particularly for the purpose of maintaining a forestry station at Priest River, from which they make investigations in Montana, Idaho, the Dakotas, and parts of Washington, and so forth.

Mr. WALSH of Montana. I move to amend the amendment offered by the Senator from Idaho by adding the words "including the State of Montana."

Mr. BORAH. I have no objection to having that included, because it is already included in the manner in which it has been explained to me. I intended it to be included.

Mr. SMOOT. Mr. President—

Mr. BORAH. I yield to the Senator from Utah.

Mr. SMOOT. It seems to me the appropriation of \$25,000 for the study of forests on farms and for advising farm owners as to the planting of forest trees and the establishment and care of windbreaks, shelter woods, and wood lots is going a

long way. No doubt it was estimated for and asked for, but to me it seems perfectly useless. I know, of course, that it will give employment to as many people as \$25,000 will cover, but there are so many other things that ought to be done by the Government which would bring greater returns to the American people than this that I think the Senate ought to hesitate before spending money for this purpose.

It may be that some of this money will be expended in the State of Utah, but, so far as I am concerned, I would not care whether all of it was to be expended there, I would be opposed to the provision at this time. I do not know that it is worth while to ask for a separate vote on the amendment, but I do believe that it is unnecessary, and the expenditure of \$25,000 for this purpose during the coming year I do not believe ought to be authorized.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Idaho to the committee amendment, which will be stated.

The READING CLERK. The Senator from Idaho offers the following amendment to the committee amendment: On page 42, line 6, strike out "\$115,000" and insert "\$130,000," and following the word "woodlots," in line 9, add the following additional proviso:

*And provided further, That not less than \$15,000 shall be used for forest investigation in Idaho and the inland empire.*

Mr. SMITH of South Carolina. May I ask the Senator from Idaho if the expression "inland empire" is a local designation, or is it official?

Mr. BORAH. It is the designation which has come to be applied to a certain territory in the Northwest, and what it means is well understood. I should not have used the language myself; I think it should have designated the particular States, but the Forestry Bureau know their business in regard to it, and they suggested this language. I am perfectly willing for the sake of clarity to mention the particular States. I mentioned Idaho because the Forestry investigation bureau is in Priest River, Idaho, and the inland empire itself, it is well understood, includes certain territory in which they operate from that point. However, if other Senators desire to be more specific I have no objection.

Mr. SMITH of South Carolina. Is it the opinion of the Senator from Idaho that that terminology would better fit the case that he has in mind rather than naming the States?

Mr. BORAH. I think it is preferable to naming the States.

Mr. SMOOT. Mr. President, if the States are named, including the State of Montana, will not that be construed to mean that other States not specifically named in the bill are to be excluded?

Mr. WALSH of Montana. The way in which it is expressed does not make any difference to me.

Mr. BORAH. I could put into the Record the letter of the Forestry Bureau, which would show precisely what the appropriation is for and what territory it is expected to cover. It would be an explanation of the language which would not admit of any misconstruction, in my judgment.

Mr. WALSH of Montana. I should be very glad to hear the letter to which the Senator refers.

Mr. BORAH. I said I was going to ask to have the letter inserted in the Record. It is very long. Does the Senator from Montana desire me to read it?

Mr. WALSH of Montana. No; I am perfectly willing to take the Senator's statement; but, of course, even the letter would not be an official interpretation of the measure. I think I shall insist upon the amendment which I have suggested, if the language "inland empire" is retained in the amendment, because the term "inland empire," if I have the correct understanding, is one which originated in the city of Spokane, which is supposed to be the capital of the "inland empire," and the interpretation of the term depends upon where one is located. I apprehend very likely that the gentleman who first used the terminology considered tributary to the city of Spokane territory which is clear over in Montana. We in Montana have a somewhat different idea about it. We scarcely regard ourselves as commercial or otherwise tributary to Spokane.

Mr. BORAH. Mr. President, the Priest River Forest Experiment Station covers a certain territory, which has been designated by the Forestry Bureau apparently as the territory of the "inland empire." The way the Forestry Bureau use the terminology and the way the people of Spokane use it may be quite different, but the Forestry Bureau understands it to include certain territory, and a part of it, at least, that I know of is in Montana; but if we include Montana, of course, we must include the other States, and I would not know just exactly how to designate them.

Mr. McNARY. Mr. President, I think there is some force in the argument presented by the Senator from Montana [Mr. WALSH]. Of course, I am interested in experimental work to be conducted in sections of my State, but the term "inland empire" never has included the territory lying west of the Cascade and Sierra Nevada Mountains and would not reach that part of the States of Oregon, Washington, and California which is densely covered with a growth of trees and the particular section which needs reforestation. If the Senator from Idaho conceives this amendment to include all of the northwestern section of the country, I think he is greatly mistaken, and I would not want the amendment to refer to the State of Montana without also including Utah, Oregon, Washington, and California.

Mr. BORAH. Very well, we will put in those States instead of "inland empire."

Mr. McNARY. And North Dakota also should be included.

Mr. BORAH. What I am more particularly after is the \$15,000. [Laughter.]

Mr. HENDERSON. I will ask the Senator why exclude Nevada?

Mr. JONES of Washington. I suggest that we insert "in the United States."

Mr. BORAH. Of course, the experiment station at Priest River under the operation of the Forestry Bureau covers certain territory, and I do not know whether or not it includes Nevada, but if the Senator from Nevada wishes Nevada included we will also put in Nevada.

Mr. OVERMAN. Mr. President, may I ask the chairman of the committee whether or not this appropriation provides for the establishment of forestry experiment stations wherever and whenever the Department of Agriculture thinks they ought to be established?

Mr. GRONNA. Yes.

Mr. BORAH. This particular experiment station is already established and has been running for some time.

Mr. SMOOT. Mr. President, I ask the Senator from Idaho if he will not withhold his amendment, in order that we may vote upon the committee amendment? I recognize there is merit in the Senator's amendment and it ought to be adopted, but I desire to vote against the committee amendment, which provides:

*That not less than \$25,000 shall be used for the study of forests on farms and for advising farm owners as to the planting of forest trees, the establishment and care of windbreaks, shelter woods, and wood lots.*

I should like to have an opportunity to vote on that amendment, because I think it ought to go out. The Senator from Idaho could then offer his amendment to the committee amendment if it is agreed to, and if it goes out he could offer his amendment when the committee amendments shall have been disposed of. Will the Senator from Idaho allow us first to have a vote upon the committee amendment?

Mr. BORAH. Of course, I am in favor of whatever the committee desires, and I will withhold my amendment to the committee amendment if the committee amendment is first to be voted on.

Mr. SMOOT. I should like to have that procedure followed.

Mr. McNARY. Mr. President, I should exceedingly regret if the desire of the Senator from Utah [Mr. SMOOT] should be accomplished by a vote of this body. As a western representative and one interested in tree culture and reforestation, I desire to say that I think it is essential that the fundamentals of reforestation be taught to farmers. It is my opinion that in the future we are going to look to the small wood lots and to the small farms for our timber and our lumber. But very few farmers who live in the Western States or in the pine-growing States of the South, or in the other States, know anything about tree culture. It is a science unto itself.

We must abandon the idea that a tree grows merely because there happens to be a seed thrown on the soil. There must be protection from fires and from certain animals that devastate the young forests. Men must be taught how to cultivate the trees and to protect them from the vandal ways of children. I think the forestry literature which is circulated by reason of this appropriation is doing a very commendable work. I think it would strike at the basis of the great scheme to plant more trees and conserve our forests should we strike out this humble little provision which only appropriates \$25,000.

The taproot of the whole scheme of reforestation certainly rests with the individual, the home, and the wood lot. To strike at it now in this small way, in order to save \$25,000, would be a matter of regret in the future, in my opinion.

On page 352 of the House hearings on the Agricultural bill for 1922 there is a brief but interesting statement by the department on this subject, which I ask that the Secretary may read.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the Secretary will read as requested.

The reading clerk read as follows:

FOR THE STUDY OF FORESTS ON FARMS, ETC.

No. 76, page 136, is a new item, proposing an appropriation of \$25,000 for the study of forests on farms and for advising farm owners as to the planting of waste lands with forest trees, the establishment and care of windbreaks, shelter woods, and wood lots, and also the most advantageous marketing of forest products grown upon such farms. The Forest Service has done a considerable amount of investigative work bearing upon farm wood lots and has published its results from time to time in farmers' bulletins, and in other publications designed to give the farmer practical suggestions of taking the best care of his wood lots and also on marketing his products to the best advantage. We have been unable, however, to do nearly as much work of this character as should be done. The farm wood lots embrace about one-third of the entire area of forests in the United States, and particularly in the Eastern States they form an important part of our remaining timber supply. East of the Mississippi River about 40 per cent of the standing timber is attached to farms as a part of farm holdings.

The farmer is the type of timber owner who should be most interested in reforestation, because, as a rule, he represents a more permanent ownership than the lumber company and he has a more permanent interest in keeping up the value of his property.

We have proposed this item because we wish to enlarge the extension work which we have done hitherto from time to time in advising the farmers, by regions, where forest conditions are the same, as to the best method of handling their timberlands and wooded areas which are useful as an adjunct to their property. The field for this sort of work is enormous. We want not only to advise the farmer how to grow trees on his poorer land but also to advise him on the best methods of disposing of his timber after it has grown. The farmer is proverbially a poor timber seller; he does not get the value of his timber, because he does not know what its value is. We have seen from the results of our work hitherto that a large field lies available for practical reforestation if we have the funds to take this matter up. Without this item we can still do something, but we should have a small group of men—14 if this money is appropriated—who will specialize in this field of farm forestry and carry on the work as a continuing project, for it will continue indefinitely. I do not know of any way in which \$25,000 could be expended to better advantage to encourage reforestation than under this item.

Mr. SMOOT. Mr. President, the item at the top of page 21 provides an appropriation "for silvicultural, dendrological, and other experiments and investigations," and so forth. That means, of course, the development of trees. That item has been in the Agricultural appropriation bill for many years. All that the Senator from Oregon has said as to the growing of trees and the necessity of it is true, but the department has been carrying on that work now for a long time, and I have no doubt that it will continue to do so for years to come. Every time, however, I hear testimony given to one of the committees of the Senate, for instance, along the line of that we have just heard read by the Secretary, the thought occurs to me that the officials of the Agricultural Department think that the farmer has not sense enough to carry him to the table; that he does not know anything; that he has to have somebody from the department at Washington teach him when to eat and how to eat and how to get what he needs to eat, and what he shall raise and what he shall sell. I do not believe in such rot. I think the farmer of this country is well able to care for himself, and I think he knows just about as much how to raise wood on his farm and when it is necessary to provide a windbreak as does some fellow who is sent out there all the way from Washington to tell him. I do not think the farmer is such an ignorant person as he is pictured to be here; but whenever the department wants an appropriation to do something, and thereby increase the expenditures of our Government, they base their demands on the needs of the farmer.

Mr. President, the Senate can do as it pleases about it, but this appropriation is simply opening another avenue of expenditure, and when it once goes into the bill it will never go out; it will be estimated for like all of the other items that go into such bills every year. It will be said that as it is existing law and was appropriated for the previous year, of course it must be appropriated for again and again.

Mr. President, there are now over \$100,000,000 of permanent appropriations that never come before Congress, and, in fact, during the last few years there have been about a billion dollars annually of such appropriations. Nobody ever knows what they are; nobody ever inquires into them; they are appropriations to be made year after year, and when they get upon the statute books they never are eliminated. Many of them are hoary with age. I am going in the next few months, if I can find the time, to examine all the permanent appropriations, and I am going to see if many of them can not be eliminated. We do not know to whom we are to-day paying salaries all over the United States to do things that were appropriated for 25 years ago.

Mr. SHEPPARD. Mr. President, may I ask the Senator a question in that connection?

Mr. SMOOT. I yield.

Mr. SHEPPARD. Has a summary of those appropriations ever been published?

Mr. SMOOT. The total amount of them is published.

Mr. SHEPPARD. I mean a summary giving the character of the appropriation, as well as the amount.

Mr. SMOOT. I have never seen a full summary of them. As I say to the Senator, I am going into all the details of them.

Mr. SHEPPARD. I trust the Senator will.

Mr. SMOOT. I started to do it about six months ago, but I found it was a mighty long road to travel; but it has to be done, and I have learned enough already to know that there are appropriations under which money is being paid out every year that we appropriated for by law a quarter of a century ago, and not a dollar of good has come to the country from them.

Mr. PHELAN. Mr. President, does the Senator refer to continuing appropriations?

Mr. SMOOT. Yes; I do. We pass a law here, and as a result of simply putting in the little words "hereafter it shall be," it goes into the permanent appropriations, and the law is signed by the President of the United States and we never think of it thereafter. Even in these yearly bills, when we put a new item into the bill, see how hard it is to take it out?

Mr. OVERMAN. Mr. President, some four years ago I called for a list of these permanent appropriations to be sent to the committee, and a good many of them were stricken out; but since the war I suppose a great many more have crept in, and there ought to be a publication of these permanent appropriations again. Four years ago, as I say, they were called for, and some were cut down as far as it could be done.

Mr. SMOOT. I will say to the Senator that just at the time we were going to do that the war came on and examinations of all kinds ceased, but in studying the appropriations that were reported as permanent appropriations we found items that no man living in the United States, unless it is the man who draws the check, ever thought were being drawn from the Treasury of the United States.

Mr. President, if the Senate wants to begin this, well and good, although the provision itself says it is for silviculture; so I shall not say anything more about it. If the Senate wants to put it in, let it go in.

The VICE PRESIDENT. The question is on the amendment of the committee. [Putting the question.] The Chair is in doubt.

Mr. GRONNA. I call for a division.

On a division, the amendment was agreed to.

Mr. BORAH. Mr. President, I have modified the language of the amendment which I offered and have submitted it generally to the Senators that were interested in the matter as members of the committee, and it seemed to be satisfactory. After the words "wood lots" I propose to add:

*Provided further*, That not less than \$15,000 be used for forest investigation throughout the territory covered by the operations and the work carried on from the Priest River, Idaho, Forest Experiment Station.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Idaho.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, on page 42, line 22, after the word "*Provided*," to strike out the word "*further*," so as to read:

*Provided*, That not to exceed \$50,000 may be expended for the construction and maintenance of boundary and range division fences, counting corrals, stock driveways and bridges, the development of stock watering places, and the eradication of poisonous plants on the national forests.

The amendment was agreed to.

The next amendment was, on page 43, line 2, after the word "forests," to strike out "*And provided*" and insert "*Provided further*," so as to read:

*Provided further*, That no part of any funds appropriated for the Forest Service shall be used to pay the transportation or traveling expenses of any forest officer or agent except he be traveling on business directly connected with the Forest Service and in furtherance of the works, aims, and objects specified and authorized by law.

The amendment was agreed to.

The next amendment was, on page 43, line 8, before the word "*further*," to strike out the word "*also*," so as to read:

*And provided further*, That no part of any funds appropriated for the Forest Service shall be paid or used for the purpose of paying for, in whole or in part, the preparation or publication of any newspaper or magazine article; but this shall not prevent the giving out to all persons, without discrimination, including newspapers and magazine writers and publishers, of any facts or official information of value to the public.

The amendment was agreed to.

The next amendment was, on page 43, line 15, to insert the following additional proviso:

*And provided also*, That the grazing fees payable under existing law for the use of national forests during the calendar year 1921 may be paid, at the option of the holder of a permit, in two equal installments, the first half of said fees on the 1st day of August, 1921, and the re-

maining half on the 1st day of October, 1921, and in the event of such payments are not made on or before such deferred dates penalties shall be thereafter imposed in accordance with the provisions of existing law.

The amendment was agreed to.

Mr. BORAH. Mr. President, I want to recur to page 42, and ask if there was an amendment adopted increasing the figures from \$115,000 to \$130,000 in line 6, page 42?

The VICE PRESIDENT. There was not.

Mr. BORAH. I desire to recur to that and offer an amendment to that, if there is no objection. It is necessary in order to deal with the situation as it now is. I offer an amendment to the effect that the figures "\$115,000" be increased to "\$130,000."

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Idaho.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, on page 43, line 24, to increase the appropriation for general expenses of the Forest Service from "\$3,924,282" to "\$3,989,282."

The amendment was agreed to.

Mr. SMITH of South Carolina. Mr. President, in view of the fact that the amendment of the Senator from Idaho [Mr. BORAH] has been adopted, the \$15,000 will have to be added to the total. The total here will have to be so amended as to include the \$15,000, or it will not be allowed. I refer to the item at the bottom of page 43:

In all, for general expenses, \$3,989,282.

I suggest that the Secretary be instructed to add \$15,000 to that total.

The VICE PRESIDENT. The present occupant of the chair has universally held that it is part of the business of the Secretary to correct the totals.

Mr. SMITH of South Carolina. Very well.

The VICE PRESIDENT. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, on page 44, line 14, to increase the total appropriation for Forest Service from \$6,389,302 to \$6,454,302.

The amendment was agreed to.

The next amendment was, on page 45, line 19, after the words "District of Columbia," in line 18, to insert "including cooperation with such persons, associations, or corporations as may be found necessary," so as to read:

General expenses, Bureau of Chemistry: For all necessary expenses, for chemical apparatus, chemicals and supplies, repairs to apparatus, gas, electric current, official traveling expenses, telegraph and telephone service, express and freight charges, for the employment of such assistants, clerks, and other persons as the Secretary of Agriculture may consider necessary for the purposes named, in the city of Washington and elsewhere, in conducting investigations; collecting, reporting, and illustrating the results of such investigations; and for rent outside of the District of Columbia, including cooperation with such persons, associations, or corporations as may be found necessary, for carrying out the investigations and work herein authorized as follows:

The amendment was agreed to.

The next amendment was, on page 46, after line 6, to insert:

For investigating the handling, grading, packing, canning, freezing, storing, and transportation of fish, shrimp, oysters, and other shellfish, and for experimental shipments of these products, for the utilization of waste products, and the development of new sources of food, \$20,000;

Mr. SMOOT. Mr. President, I want to call the attention of the Senate to the fact that this item is a duplication of work. In order to be sure of it, I asked for a report on the matter. I have here a letter on the subject, reading as follows:

I desire to suggest the following amendment to the Agricultural appropriation bill (H. R. 15812) reported to the Senate on February 9, 1921. On page 46, lines 7 to 11, inclusive, strike out the following (under Bureau of Chemistry):

"For investigating the handling, grading, packing, canning, freezing, storing, and transportation of fish, shrimp, oysters and other shellfish, and for experimental shipments of these products, for the utilization of waste products, and the development of new sources of food, \$20,000."

The Agricultural act for 1921 carried an appropriation of \$52,880 for the Bureau of Chemistry—

"for investigating the handling, grading, packing, canning, freezing, storing, and transportation of poultry, eggs, fish, shrimp, oysters and other shellfish, and for experimental shipments of these products, for the utilization of waste products, and the development of new sources of food."

In its estimate for the fiscal year 1922 the Department of Agriculture (Bureau of Chemistry) asked for the appropriation of \$52,880 for the same purpose (p. 270, Estimates of Appropriations, 1922).

The House of Representatives, however, eliminated this item in preparing the Agricultural bill for 1922.

The Senate committee inserted in the place of this item the item first quoted above, which limits the work to fish, shrimp, oysters and other shellfish, and reduces the appropriation from \$52,880 to \$20,000. The committee's report (p. 10) states that the reason for this limitation is that the Bureau of Markets and the Bureau of Crop Estimates have taken over that portion of the work previously performed by the Bureau of Chemistry which relates to poultry and eggs.

It is the opinion of this office that the work lately undertaken by the Bureau of Chemistry of the Department of Agriculture in investigating the handling, grading, packing, canning, freezing, storing, and transportation of fish, shrimp, oysters and other shellfish constitutes an out-and-out duplication of the work of the Bureau of Fisheries of the Department of Commerce. From the organization of the office of the Commissioner of Fish and Fisheries in 1871, the Fish Commission (later the Bureau of Fisheries) has done work of this character. The investigation of problems of preservation and utilization of the products of the fisheries has been recognized as a function of the Bureau of Fisheries from its inception, and an examination of the publications of that bureau reveals that for 40 years it has been giving as much attention to these matters as its limited appropriations would allow. In recent years it has conducted a continuous, intensive investigation into the utilization of the waste products of fisheries and into the development of new sources of aquatic foods. It has all along been conducting experiments in canning, freezing, and otherwise preserving aquatic food products; and not the least of its achievements has been the introduction of improved packing methods in the processes of commercial fisheries in all parts of the country.

The Bureau of Fisheries has a fishery-products laboratory in Washington, D. C., which has facilities for handling investigations in this particular field which are superior to those of any laboratory in the world. The bureau also has another laboratory on the Pacific coast installed to facilitate the handling of similar problems in that territory. The Bureau of Fisheries is not only the proper agency to perform the functions under discussion, considering the organic laws of the Department of Agriculture and the Department of Commerce, but it is, moreover, much better equipped to do this work than the Bureau of Chemistry at the present time.

I am informed that on December 21, 1920, a conference was held between representatives of the Department of Commerce and representatives of the Department of Agriculture, with respect to the overlapping of certain of the activities of the two departments. This conference was attended by the following persons, among others:

For the Department of Commerce: Secretary Alexander; Assistant Secretary Sweet; Dr. Stratton, Director of the Bureau of Standards; and Dr. Smith, Commissioner of Fish and Fisheries.

For the Department of Agriculture: Secretary Meredith; Dr. Alsberg, Chief of the Bureau of Chemistry; and Mr. Taylor, representing the Bureau of Plant Industry.

In the course of the discussion Dr. Smith, Commissioner of Fish and Fisheries, stated that the work being done by the Bureau of Chemistry in the field of fishery technology was the proper function of the Bureau of Fisheries, and that the latter bureau was better equipped for the work than the Bureau of Chemistry. Dr. Alsberg, Chief of the Bureau of Chemistry, agreed that this was the case, stating that he had taken up the work only with the acquiescence of the Bureau of Fisheries and for the reason that the Bureau of Fisheries lacked the funds with which to do the work. He stated, furthermore, that the Bureau of Chemistry was prepared to withdraw from this field if such action was desired by the Department of Commerce. It was pointed out by the Commissioner of Fish and Fisheries that the fact that two governmental agencies were asking for appropriations to do work in this field increased the difficulties of the Bureau of Fisheries in obtaining adequate appropriations for its work; and Dr. Alsberg, Chief of the Bureau of Chemistry, agreed to accompany Dr. Smith, Commissioner of Fish and Fisheries, in appearing before the Appropriations Committee to ask that the appropriation for this work be stricken from the Agricultural bill and given to the Bureau of Fisheries.

In view of these facts, I have suggested that the item in question be eliminated. No additional appropriation for the Bureau of Fisheries will be necessary since the work of that bureau has already been adequately provided for in the sundry civil appropriation bill.

Mr. HARRISON. Mr. President, may I ask whom that letter is from?

Mr. SMOOT. It is from the Chief of the Bureau of Efficiency, who made an investigation of the matter at my request.

Mr. HARRISON. Is it a recent letter?

Mr. SMOOT. It is a recent letter. It is dated just the other day.

Mr. McNARY. What is the date?

Mr. SMOOT. It is dated February 21, 1921.

Mr. HARRISON. Has the Committee on Appropriations ever made an appropriation to carry on this work?

Mr. SMOOT. Yes; it has been a duplication of work in the past.

Mr. HARRISON. In what bill?

Mr. SMOOT. In the sundry civil appropriation bill; and I think it was inserted in the Agricultural appropriation bill at the request of the Senator from Florida, if I am not mistaken.

Mr. HARRISON. This appropriation has been carried for several years in the Agricultural appropriation bill.

Mr. SMOOT. Yes; I am aware of it.

Mr. HARRISON. Then why did the Appropriations Committee provide a similar appropriation for similar work?

Mr. SMOOT. Mr. President, it came before the Appropriations Committee years and years ago when the appropriations were first made for the Bureau of Fisheries. We have already appropriated for this purpose, though, perhaps, not a sufficient amount, as Dr. Alsberg said. It was put in the Agricultural appropriation bill, as I remember, upon the motion of the Senator from Florida, and, of course, when once an item gets in the bill it never goes out.

Mr. HARRISON. But this money has not been appropriated this year.

Mr. SMOOT. No; the House left it out of the bill this year.

Mr. HARRISON. The House did?

Mr. SMOOT. Yes.

Mr. HARRISON. But the Appropriations Committee, either in the sundry civil bill or the legislative bill, has carried an appropriation for this very work?

Mr. SMOOT. Not for the Agricultural Department; but we have for the Bureau of Fisheries.

Mr. HARRISON. To carry on this same work?

Mr. SMOOT. Absolutely the same work.

Mr. HARRISON. How much was that appropriation?

Mr. SMOOT. I do not remember what increase was made; I can not say; but that is where the appropriation ought to be. It is conceded that we have a laboratory here in the Bureau of Fisheries, better than any in the world, and this is a duplication of work, done by two departments of our Government, and it ought to cease in one of the departments.

Mr. HARRISON. Of course, the same work should not be done by both departments, but the work should be carried on in some way, and it would seem to me that the Committee on Agriculture is the proper committee to handle this proposition, and it should be incorporated in the Agricultural appropriation bill.

Mr. SMOOT. Why should we have the Bureau of Fisheries, then? Why not abolish it entirely?

Mr. HARRISON. As I just stated, I think there should be a single appropriation carried for this work; but I was of the opinion, and I am sure the Committee on Agriculture was, that the Department of Agriculture is doing this work in a very efficient manner.

Mr. SMOOT. They are not doing it in the same manner the Bureau of Fisheries is.

Mr. HARRISON. Is that letter all the information the Senator has on the subject?

Mr. SMOOT. Yes; but it is plenty, I think.

Mr. HARRISON. That is one man's view, and the Committee on Agriculture has had representatives of the department before it on this proposition.

Mr. WOLCOTT. Mr. President—

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Delaware?

Mr. SMOOT. I yield.

Mr. WOLCOTT. If I caught the reading of the letter correctly, the subject matter of eggs and poultry was originally embraced in this amendment.

Mr. SMOOT. Yes.

Mr. WOLCOTT. The shipping of eggs and poultry, and so forth?

Mr. SMOOT. Yes.

Mr. WOLCOTT. Those two things have been eliminated from the amendment providing for shrimp, oysters, and so on. What particular bureau handles eggs and poultry now?

Mr. SMOOT. The Agricultural Department; but I think that appropriation is in another place.

Mr. WOLCOTT. The Agriculture Department?

Mr. SMOOT. Yes. I want to say to the Senator that this provision was first made, as I stated—I do not know whether the Senator was in the Chamber when I stated it or not—

Mr. WOLCOTT. Yes; I was in the Chamber.

Mr. SMOOT. On a motion from the floor by the Senator from Florida, and at that time it went in the bill for last year, and I think poultry was included in the appropriation that was made at that time.

Mr. WOLCOTT. If I may have the attention of the Senator from Utah, it may be that eggs and poultry were carried under the Fisheries Bureau, and fish carried under the Agricultural Department.

Mr. SMOOT. No; it is not quite that bad, but it would not have been surprising if it had been done.

The VICE PRESIDENT. The question is on the committee amendment.

Mr. HARRISON. I ask for a division.

On a division, the amendment was rejected.

Mr. GRONNA. Mr. President, I give notice that I shall offer this amendment in the Senate, and I shall take time to give the justification of the Department of Agriculture.

Mr. HARRISON. I want to congratulate the Senator from Utah on the spirit of economy he is showing and the great power he is exercising over the Senate in the matter of cutting out a small appropriation of \$20,000 which is in the interest of developing new sources of food. That seems to be carrying out the spirit of the Senator, however, in sponsoring recently the alleged emergency tariff bill, which would increase the burdens upon the people of the country in the matter of increased cost of living, and at the same time fighting this bill, which proposes to spend \$20,000 to develop new sources of food for the people of the country.

The Senator has read, in justification for striking this proposition out, a letter from some man by the name of Brown. I

have looked into this, and I have not been able to find in the sundry civil bill where that provision is carried for this year. If it is not carried in that bill, and if the Senator can not show us that provision—I hope he can—then the Senate would be convinced that this appropriation is not made, and this work not provided for, and then the Senate should make adequate provision for it.

Mr. JONES of Washington. I have here the sundry civil act for this current year. The Bureau of Fisheries is a bureau in the Department of Commerce.

Mr. HARRISON. Yes.

Mr. JONES of Washington. Here are two and a half pages of appropriations for fish stations throughout the country. Then here is an item:

Propagation of food fishes: For maintenance, equipment, and operations of fish-cultural stations, general propagation of food fishes and their distribution, including movement, maintenance, and repairs of cars, purchase of equipment and apparatus, contingent expenses, temporary labor, and not to exceed \$10,000 for propagation and distribution of fresh-water mussels and the necessary expenses connected therewith, \$400,000.

I do not remember just what the amount in the pending sundry civil bill is.

Mr. GRONNA. Is there any provision for chemical investigation in the bill? I think the Senator from Utah is somewhat confused over this matter. This item is for chemical investigations. I do not know that there is any such thing in the Bureau of Fisheries as a chemical department.

Mr. JONES of Washington. This provides for investigating the marketing. That surely is not a chemical matter. It provides for packing. That is not a chemical matter.

Mr. HARRISON. It is under the Department of Agriculture, the Bureau of Markets.

Mr. JONES of Washington. But the whole fish proposition is under the Bureau of Fisheries.

Mr. HARRISON. Yes; the fish proposition is under the Bureau of Fisheries, naturally so; but the proposition of marketing the fish and utilizing them for food purposes is under the Agricultural Department, and should be under that department.

Mr. JONES of Washington. Here is a \$400,000 item in the sundry civil act.

Mr. HARRISON. Not for carrying out this idea.

Mr. JONES of Washington. Yes; covering the propagation and the distribution.

Mr. HARRISON. That is to care for fish hatcheries throughout the country.

Mr. JONES of Washington. No; there are separate items for fish hatcheries.

Mr. SMITH of South Carolina. This proposition in the Agricultural appropriation bill is for investigating the handling, grading, packing, canning, freezing, storing, and transportation of fish; that is, after they are in a state for food. The proposition the Senator is referring to is for the transportation of live fish, which have been propagated, and are sent out for the purpose of stocking ponds and rivers throughout the country.

Mr. SMOOT. I want to say to the Senator that Secretary Redfield has been many times before the Committee on Appropriations and has shown his samples of fish food, telling what it had saved to the American people, and all of the processes that were discovered by that department through the appropriations made in the sundry civil bill.

Mr. SMITH of South Carolina. I am not aware of that.

Mr. SMOOT. If the Senator from Mississippi doubts that there is an appropriation for this matter, I will read two or three pages of the bill for the next fiscal year.

Mr. HARRISON. I have looked for it, and I can not find it.

Mr. SMOOT. I can find it.

Mr. HARRISON. I hope the Senator can. It would save \$20,000.

Mr. SMITH of South Carolina. I want to call attention to the fact that the remarks I made were directed to what the Senator from Washington had said in reference to the Bureau of Fisheries. He has read nothing that substantiates the assertion that an appropriation was made for any such work as is provided for in the Agricultural appropriation bill.

Mr. SMOOT. I will say to the Senator that the work has been going on for a year.

Mr. SMITH of South Carolina. If that can be found, it would be a different proposition.

Mr. SMOOT. One of the provisions in the sundry civil bill for the next fiscal year is as follows:

Propagation of food fishes: For maintenance, equipment, and operations of fish-cultural stations, general propagation of food fishes and their distribution, including movement, maintenance, and repairs of cars, purchase of equipment and apparatus, contingent expenses, temporary labor, and not to exceed \$10,000 for propagation and distribution of fresh-water mussels, and necessary expenses connected therewith, \$400,000.

Mr. HARRISON. Does the Senator think that covers the provision just stricken from the Agricultural appropriation bill? That provides—

For investigating the handling, grading, packing, canning, freezing, storing, and transportation of fish, shrimp, oysters, and other shellfish, and for experimental shipments of these products, for the utilization of waste products, and the development of new sources of food.

It has nothing in the world to do with the item in the sundry civil bill, which merely applies to fish hatcheries and fish-cultural stations.

Mr. SMOOT. Mr. President, the Senator is mistaken. There is a specific appropriation in the sundry civil bill for every fish station in the United States.

Mr. SMITH of South Carolina. Mr. President, the language quoted by the Senator from Utah is identical with the language which the Senator from Washington read, and that \$400,000 is for the purpose of securing different varieties of fish, to propagate them in the waters of the United States. Every Senator is more or less familiar with the fact that requests come for different kinds of small fish to be sent from the Bureau of Fisheries, to put in ponds for the purpose of stocking and in the streams of the country. It has no reference whatever to preparing the fish after it is grown and ready for food, for the purpose of food.

Mr. SMITH of Georgia. This does not apply simply to fish raised for propagating through the Bureau of Fisheries; it applies to shellfish.

Mr. SMITH of South Carolina. The Senator means the provision in the Agricultural appropriation bill?

Mr. SMITH of Georgia. Yes.

Mr. SMITH of South Carolina. Of course, this applies to the food products.

Mr. SMITH of Georgia. It applies solely to the preparation of foodstuffs, whether raised as the result of the activities of the Bureau of Fisheries, which produces fish, or found on the seacoast.

Mr. SMOOT. Mr. President, that is not the only appropriation that is made. I know what has been done by the Department of Commerce, as reported to us by the former Secretary of that department. But in this same bill we make a provision under the heading, "Inquiry respecting food fishes."

If the Senator from Georgia will listen, I would like to tell him about the other provision.

Mr. SMITH of Georgia. If the Senator knows what he is going to tell me, I would be glad to hear it.

Mr. SMOOT. If the Senator knows—if he is ready to listen—the Senator will tell him what is in the bill. It provides:

For inquiry into the causes of the decrease of food fishes in the waters of the United States, and for investigation and experiments in respect to aquatic animals, plants, and waters, in the interest of fish culture and the fishery industries, including expenses of travel, \$45,000.

Mr. HARRISON. Does the Senator think that embraces this?

Mr. SMOOT. It further provides:

For collection and compilation of statistics of the fisheries and the study of their methods and relations and the methods of preservation and utilization of fishery products, including compensation of temporary employees, travel, and preparation of reports, including personal services in the District of Columbia and in the field, and all other necessary expenses in connection therewith, \$20,000.

It provides for sponge fishes. We have plenty of fishes provided for.

Mr. HARRISON. In view of the statement of the Senator, which has convinced the Senate that that provision was not incorporated in the sundry civil bill, will he not allow us to reconsider and incorporate this provision?

Mr. GRONNA. Mr. President, I want to read a statement from the Agricultural Department to show what this money is used for. It is not being used for the purposes stated either by the Senator from Washington [Mr. Jones] or the Senator from Utah [Mr. Smoot]. This statement is as follows:

The fish investigations of the Bureau of Chemistry have been under way for three or four years. In the act for 1920 the work was provided for under a separate item of \$20,000, but in the preparation of the bill for 1921 the House committee combined the paragraph with the appropriation for poultry and egg investigations.

I shall not read more of that paragraph.

Mr. SMOOT. Read all of it.

Mr. GRONNA. Very well. It continues:

Since it is the evident desire of the House committee that the work relating to poultry and eggs be transferred to the Bureau of Markets, and as the department had already planned to carry this change into effect, there is no further need to make further provisions under the Bureau of Chemistry.

Mr. SMOOT. That is what I said.

Mr. GRONNA. It continues:

The Bureau of Markets, however, has no facilities at present for carrying on the fish work.

I am reading now with reference to poultry.

And, furthermore, it is not believed that they have the authority to do so, inasmuch as these investigations are limited to the investigation, handling, shipping, and storing of farm products.

The work which the Bureau of Chemistry is doing in improving methods of handling, packing, shipping, and storing fish is already yielding valuable results, and marked improvements have been made. Much work, however, remains to be done in developing the most practical, efficient, and economical methods for shipping and storing these highly perishable products. Small experimental laboratories have been opened at San Diego, Calif., and Pensacola, Fla.

This is an appropriation for an entirely different class of work. What the Senator from Utah has read has reference to the propagation of fish for the raising of fish. This is for the handling of fish, and it necessarily must be done under direction of the Bureau of Chemistry.

Mr. SMITH of Georgia. That has reference to the handling simply preparatory to the raising of fish. This provision has reference, without any regard to fish raised in the special ponds, to putting in shape all manner of fish whether caught out of the ocean or elsewhere, and the only place where we have the splendidly organized chemists for that purpose is in the Department of Agriculture, where they conduct the study and furnish the information.

Mr. GRONNA. The committee gave this very careful consideration, and I believe every member of the committee considers it a very important item. I ask unanimous consent that the vote by which the action was taken be reconsidered.

Mr. JONES of Washington. I object.

The VICE PRESIDENT. Objection is made.

Mr. GRONNA. Then I give notice that I shall offer the amendment in the Senate.

Mr. JONES of Washington. Mr. President, I wish to say just a word. I do not think there is a specific appropriation in the sundry civil bill probably embracing just the language of the bill here, but it seems to me that whatever we desire to do with reference to fish should be estimated for by the Department of Commerce and should be cared for under that department. It is not an agricultural product at all.

The Department of Commerce has been turning down estimates with reference to these very matters. They have been before the Appropriations Committee, I will not say with reference to this particular thing, but I have in mind one estimate that they sent down. They appeared before the Appropriations Committee this year and urged us very strongly to incorporate in the sundry civil bill an item for the conduct of demonstrations in fish cookery. I take it that that would come about as near agriculture as anyone would think in dealing with fish, yet that is an estimate sent down by the Department of Commerce to the Committee on Appropriations for inclusion in the sundry civil bill. There was another one for the conduct of demonstrations and instruction in the care of cheap and wholesome methods of preparing and cooking fish; that is, not carrying living fish around and distributing them, but wholesome methods of preparing and cooking fish.

Mr. SMITH of Georgia. Does the Senator think that really belongs under the head of the Department of Commerce? Does it not belong under the head of farm economics, which is all in the Department of Agriculture?

Mr. JONES of Washington. This is where it has been for two years anyhow. The estimates always come down that way, and I will say to the Senator if he will examine the Book of Estimates for several years back he will find that to be the case.

Mr. SMITH of Georgia. So far as I have come in contact with the practical work, it has been in connection with the Agricultural Department.

Mr. JONES of Washington. If the Senator will examine the Book of Estimates for several years back he will find these same estimates coming down, and I know they have been appearing before the Committee on Appropriations and urging this sort of appropriation for inclusion in the sundry civil bill.

Mr. SMITH of Georgia. What I said to the Senator was that where I have found any practical work being done along this line—I did not say appropriations, but I said work being done—it was under employees of the Department of Agriculture.

Mr. SMOOT. I will say to the Senator that the former Secretary of Commerce not only told us what they had accomplished to save millions of dollars to the American people on account of the preparation of these fish, but he brought samples down and showed us what had been accomplished. They were there upon the table before the members of the Committee on Appropriations. He called attention to a fish that had been worthless, as far as food value was concerned, but made valuable through

investigations. He not only called attention to it, but he brought samples to show us that he had succeeded in making such fish a food product, the value of which amounts to millions of dollars to the American people.

Mr. SMITH of Georgia. What Secretary did that?

Mr. SMOOT. Secretary Redfield.

Mr. SMITH of Georgia. Secretary Redfield was an extreme advocate of the study of household economics, and they did a great deal of it under his administration, but the work that has been done in the past nine years has been in the Department of Agriculture.

Mr. SMOOT. The Department of Agriculture never had an appropriation for this purpose until two years ago.

Mr. SMITH of Georgia. The Department of Agriculture has been conducting studies and work in instruction in household economics and it has had appropriations for specialists in that line in connection with the State colleges of agriculture.

Mr. SMOOT. That is a far-fetched proposition, and this appropriation—if that statement be true—is a duplication of work.

Mr. SMITH of Georgia. No it is not far-fetched. It is very near home.

Mr. SMOOT. There was an appropriation made two years ago in this bill.

Mr. HENDERSON. Mr. President, a parliamentary inquiry. What amendment is before the Senate?

The VICE PRESIDENT. A rejected amendment.

Mr. SMITH of South Carolina. Mr. President, I wish to say to the Senator from Utah [Mr. SMOOT] and the Senator from Georgia [Mr. SMITH] that there is a total misapprehension of what the Secretary of Commerce is doing. He is charged with finding out and propagating that variety of fish that is good for food. Of course, the only way he could find it out was when he got a new variety, or when it was shown to be worthless, then by proper breeding and proper crossing he had to test it and in that way find the fish that was good for food. He did not go into the business of finding out about packing and storing and putting fish on the market. He was simply demonstrating that he had developed or discovered a fish that was good for food, and that was strictly within his line of work.

Mr. SMOOT. He used part of the appropriation made for fish to demonstrate that leather could be made out of alligator skin.

Mr. SMITH of South Carolina. Of course; and therefore he recommends the raising of alligators for the skins. That is what he is there for.

The VICE PRESIDENT. Let the reading of the bill be continued.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, on page 47, line 24, to decrease the appropriation for carrying into effect the provisions of the act approved March 2, 1897, entitled "An act to prevent the importation of impure and unwholesome tea," etc., from "\$38,000" to "\$30,000."

Mr. SMITH of South Carolina. Mr. President, I should like to call the attention of the chairman of the committee to that item.

Mr. GRONNA. I ask that the amendment may go over for the present.

The VICE PRESIDENT. It will be passed over.

The next amendment was, on page 48, after line 11, to strike out:

For the study and improvement of methods of dehydrating materials used for food, in cooperation with such persons, associations, or corporations as may be found necessary, and to disseminate information as to the value and suitability of such products for food, \$23,500.

Mr. FRANCE rose.

Mr. GRONNA. May I ask that this amendment go over?

Mr. FRANCE. Mr. President—

Mr. GRONNA. I will say to the Senator from Maryland that this can be taken up after other committee amendments have been agreed to. I ask that it go over.

Mr. FRANCE. I will say to the Senator that I am compelled to be away shortly, and I should like to offer my amendment if it is agreeable to the Senator.

Mr. GRONNA. Very well; I have no objection.

Mr. FRANCE. I desire to offer an amendment to the portion to be stricken out, and then I wish to say something in that connection. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be read.

The ASSISTANT SECRETARY. On page 48, in line 16, in lieu of the amount printed in the House bill, \$23,500, insert \$100,000.

Mr. FRANCE. Mr. President, I desire to explain very briefly why I have offered the amendment. In 1917 and 1918, when the

committee was making a study of new sources of food supply and methods of preservation and transportation of food, it became very deeply interested in the subject of dehydration of food products, particularly fruits and vegetables. As a result of the study made by the committee and as the result of hearings upon the subject, the committee inserted in the bill of 1918 an item of \$250,000 for the carrying on of educational and demonstrational work upon the subject of dehydration.

Representatives of the Department of Agriculture went to a group of gentlemen and explained to those gentlemen the importance of the subject and urged them to raise the money for the building of a plant to demonstrate the feasibility of this method of dehydration on a commercial scale. As a result of the representations of those gentlemen from the department, those who had been approached, among them being some very prominent bankers of Baltimore, consented to undertake to build a plant for demonstration of the feasibility of dehydration upon a commercial scale. These gentlemen were unwilling to go into the enterprise unless they could be assured, not by the division of dehydration but by the Department of Agriculture itself, that the department would stand back of them in the work. Upon the 27th of June, 1919, they were assured by the Department of Agriculture in a letter that the department was very deeply interested in the work and that they should proceed to organize a company for the building of a plant. This group of gentlemen—and I will say of them that they are men who had become very deeply interested in the question of food supplies during the war—then organized a million-dollar company and began the erection of a plant. There was no delay in the erection of the plant, except such natural delays as were necessary because of strikes and the labor and material supply conditions at that time, and the plant was completed within the year.

However, in April of 1920, after \$750,000 had been expended by the company, the Government notified the gentlemen that no funds were available for the carrying on of the educational work which the Government had promised to carry on if the gentlemen would build the plant. Not only were they informed that no funds would be available for the carrying on of the work, but the Department of Agriculture was compelled to cancel orders which they had placed for the dehydrated products with which they were to make the demonstration and with which they were to carry on the educational campaign.

Now, the Department of Agriculture is very deeply interested in the question of dehydration, and after extensive laboratory studies this anhydrous method which is to be employed by the company was found to be superior to any method which has been used abroad. It is considered to be of the utmost importance to the farmers and to the producers of the country, and particularly to the producers of vegetables, fruits, and other perishable foodstuffs, as well as to the consumers, that the fund for demonstration work be appropriated. The Secretary of Agriculture has asked for \$100,000. The amount is estimated for in the estimates to carry on educational work which, it seems to me, in view of all the circumstances, the Government is under a moral obligation to carry on.

These gentlemen are now in possession of a plant which cost them about \$900,000, the investment in the plant having been made at the solicitation of the Government, and the Government is not in a position to carry on the educational work really necessary if the value of the methods of dehydration is to be demonstrated to the farmers and shippers of the country.

In view of this situation which I have attempted very briefly to call to the attention of the Senate, I hope that the chairman of the committee will consent to the amendment to the portion to be stricken out and that he will not insist upon the committee amendment. I feel, as a member of the committee, that this is a matter which the committee did not have an opportunity of looking into and upon which we were not informed at the time we reported favorably the committee amendment.

Mr. GRONNA. Mr. President, the Senator from Maryland is a very valuable member of the Committee on Agriculture, but he did not happen to be present when this action was taken. Would not the Senator be satisfied if the amendment were disagreed to and the amount allowed by the other House left in the bill? I will say to the Senator, I do not believe that the committee would agree to an appropriation of \$100,000. That, I think, is a larger amount than ought to be agreed to.

Mr. FRANCE. I will say to the Senator that when I spoke to him about this matter the other day I felt that \$50,000 might be enough, but upon looking into the whole question it seems to me that what the Secretary of Agriculture has asked for, the sum of \$100,000, is about the minimum, for it is very apparent that this new method could scarcely be demonstrated over the country with a lesser amount than would be available from an appropriation of \$100,000. If \$23,000 were appropriated,

only about \$2,000 of it would be available for demonstration purposes and for the carrying on of a campaign of education.

It seems to me that the Government is under moral obligations, in view of the representations made to the gentlemen to whom I have referred, to appropriate money for the carrying on of this demonstration work. Those gentlemen were of the opinion at the time they were persuaded to build the plant that \$250,000, or a large portion thereof, would be available for carrying on the educational and demonstrational work.

Mr. JONES of Washington and Mr. McNARY addressed the Chair.

Mr. FRANCE. I yield to the Senator from Washington.

Mr. JONES of Washington. In addition to the particular situation which the Senator from Maryland has in mind, does not the Senator think that this is splendid work for the Government to do?

Mr. FRANCE. Mr. President, I am most enthusiastic about the process of dehydration. It has been found, for example, that perishable vegetables and portions of beef which were not available under ordinary circumstances may be dehydrated and made into a dehydrated soup in Chicago which can be sold at a profit for a penny a plate in New York, thus utilizing materials which otherwise would be wasted.

Mr. JONES of Washington. And dehydrated material can be kept almost indefinitely, can it not?

Mr. FRANCE. It can be kept indefinitely, and very large quantities of it can be transported in very small bulk and at very low cost compared with the cost of transportation in its original form.

Mr. JONES of Washington. I should like to know why the committee struck this item out. It seems to me that it is an appropriation for a work which is very desirable to carry on until it is brought to perfection.

Mr. McNARY. Mr. President—

Mr. FRANCE. I yield to the Senator from Oregon.

Mr. McNARY. Mr. President, there is no doubt that excellent results are being accomplished through this process. It is not a new one, however; it is only new in the sense that it was not practiced prior to our entrance into the World War. Its feasibility has been demonstrated in several localities in the West. The item was stricken out by the committee on motion of one of the members. Very little was said about the subject. I think we all agree with the chairman of the committee that there should be a restoration of some part of the sum which has been estimated for by the department, though not the full sum. The amount which the House appropriated was \$23,500; the department's estimate was \$100,000. I think the chairman of the Agricultural Committee and its other members would be very willing, so far as I know their state of mind, to restore the provision carrying an appropriation of \$50,000, which is half of the estimate, and a little more than double the amount carried by the House bill.

Mr. FRANCE. I should be very glad to see that amount incorporated in the bill, although I feel that \$100,000 should be appropriated for the purpose.

This is the situation: A million-dollar plant has been built at Chicago, and if the Government should cooperate in carrying on a campaign of demonstration and should make dehydration a popular method of preserving food, and if, as a result of that, the company should make a success of its Chicago plant, it would then plan to erect plants in different parts of the country where vegetables of a perishable character are grown.

The Senator from Georgia [Mr. SMITH] has called my attention to the fact that sweet potatoes may profitably be dehydrated. It is quite possible that the Chicago dehydration plant might be duplicated in the region where sweet potatoes are grown.

Mr. SMITH of Georgia. I will say to the Senator from Maryland that through the advice of the Agricultural Department dehydration work has been begun and is going on profitably, as I am advised. It was first suggested, I think, about three years ago during the war, and I think has proven to be very successful. I should like to ask the Senator from North Dakota, the chairman of the Committee on Agriculture and Forestry, if it will be agreeable to him for the Senate to reinstate this item with an appropriation of \$50,000?

Mr. GRONNA. Mr. President, there was considerable opposition to this appropriation in the Committee on Agriculture and Forestry, but since our meeting the committee has had information which I believe would warrant the committee asking that the amendment be disagreed to; but I will say to the Senator from Maryland and to the Senator from Georgia that they will endanger their purpose if they seek to make the appropriation larger than \$50,000.

Mr. SMITH of Georgia. I think that is all the Senator from Maryland insists upon.

Mr. GRONNA. I think, then, that the amendment ought to be disagreed to.

Mr. WALSH of Montana. Mr. President, I am very glad to hear the chairman of the committee signify his purpose to have the committee amendment disagreed to and to indicate his favor of the appropriation carried by the bill as it came from the House. I should like to see a more liberal amount appropriated. I was favored only a few months ago with an opportunity to witness the process of dehydration of a great many fruits, vegetables, and other food products, and I was impressed with the limitless possibilities the process offered. Not only that, but it was represented to me, and apparently upon perfectly solid ground, that the process could be carried on by machinery costing comparatively little; indeed, those who were interested in the proposition had it in mind to construct dehydrating plants, inexpensive in character, to be set up by cooperative associations in the fruit-growing sections and in sections where vegetables are produced in considerable quantities or where fish are caught and placed upon the market. I was astonished at the perfect state of preservation of the flavor of fruits by the process which was exhibited to me. I thought it not at all unlikely that cooperative fruit associations and cooperative vegetable associations and similar associations could easily construct dehydrating plants which, as it seemed to me from the reports which were made, would not cost more than from five to ten thousand dollars to erect. I think that it would be an excellent thing if the Department of Agriculture carried on more experimentations with respect to the various processes that are about to be offered to the public, so that definite information could be given the public concerning the reliability of the processes, whether they will, in fact, accomplish the results which are promised, and otherwise to conduct operations which will demonstrate their great practicability.

Take the item of potatoes, for instance. Potatoes are a crop that can ordinarily be transported but a short distance. The soil of the Northwest is particularly adapted to the production of the potato, but it is next to impossible to transport the potatoes grown there because of weather conditions. They are not harvested in the State of Montana, for instance, until the cold season is upon us, and then it becomes impossible to transport them except in artificially heated cars, the expense and difficulty of which makes transportation practically prohibitive. They could be dehydrated and put upon the market, affording an abundant and perfectly palatable and wholesome food that would otherwise go to waste, and it would help both the producer and the consumer in a very marked degree. I am very glad to know that we shall have an appropriation of at least the amount carried in the House bill for this purpose.

Mr. THOMAS. Mr. President, I shall not object to this appropriation; it would not do any good if I should object. There was a time, however, when experiments of this kind were eagerly carried on by private enterprise, and they were generally carried on successfully, much more successfully than they will be carried on under the prevailing species of paternalism which refers everything both established and to be established to the consideration of the Government plus an appropriation.

The dehydration of vegetables and fruits is not a new thing; private enterprise discovered the process and demonstrated its utility. Some years ago, I think during the war, an appropriation was made for this identical purpose. I then thought that, inasmuch as private capital was engaged in the business, the appropriation was unnecessary, but it was granted nevertheless.

We are getting to a point, Mr. President, when we expect the Department of Agriculture to take upon its shoulders at public expense the burden not only of things needed but of things supposed to be needed. Yesterday we considered one or two small appropriations intended to enable the Department of Agriculture to observe the behavior and other qualities of vegetables in transit and after arriving at the market. I have no doubt that this will mean an addition to our civil-service force and an addition to our permanent expenditures. Of course, I do not know how vegetables behave or how fruits behave when they are in course of transit; but I know how California lemons behave. After they leave the Pacific coast and reach Salt Lake City and Denver they command \$6.50 a box; as they proceed eastward, however, their behavior is more modest, and by the time they reach the Atlantic coast they are readily obtainable at from \$4.50 to \$5 a box. If appropriations could investigate that behavior and correct it, I should feel more disposed to view with equanimity these constantly increasing and inflated appropriations; but if we leave the process of dehydration to private enterprise and to private capital it will be de-

veloped much more effectively and more satisfactorily, in my judgment, than by creating another little bureau in Washington and setting a lot of so-called scientists at work in the department.

Mr. SMITH of Georgia. Mr. President, I was not present in the committee when this provision was stricken out, or I should have urged that it be retained, and that the appropriation be increased. It may be true that private enterprise discovered the process of dehydration, but it is also true that it was used to very little extent and only by a few large companies until the Department of Agriculture was authorized, a few years ago, to carry to the public information with reference to the process. There are now being built, as the Senator from Montana has said, machines to be used in this work. The Agricultural Department has helped substantially in bringing about a larger use of the process, and I believe an enormous saving of fruits and vegetables can be accomplished if knowledge is furnished to the people generally or to those who could use the process. I think it will be of great value and will result in a great saving, and it is one of the very activities in which it is proper for the Agricultural Department to engage. I am glad the chairman of the committee agrees that the House provision shall be restored, and I hope the amount will be substantially increased.

Mr. LA FOLLETTE. Mr. President, I request that this item be passed over for the day. I have some communications upon the subject which I should like an opportunity to examine with a view of laying them before the Senate.

The VICE PRESIDENT. Is there any objection to passing over the item?

Mr. GRONNA. No; there is no objection to passing it over.

The VICE PRESIDENT. It will be passed over then.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. H. Overhue, its assistant enrolling clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 15836) to amend the transportation act, 1920, and it was thereupon signed by the Vice President.

#### RECESS.

Mr. GRONNA. I move that the Senate take a recess until 11 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 30 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, February 23, 1921, at 11 o'clock a. m.

### HOUSE OF REPRESENTATIVES.

TUESDAY, February 22, 1921.

The House met at 12 o'clock noon.

Rev. James Shera Montgomery, D. D., pastor of Calvary Methodist Episcopal Church, Washington, D. C., offered the following prayer:

Almighty God, our Heavenly Father, to-day is great because yesterday was great. In grateful remembrance the past rises before us in a bold and in a distinct outline. How we thank Thee for the chivalry and traditions of our forefathers who carried a millennium in their breasts and a republic in their brains. They challenge our intellect and our hearts because they still minister unto our country and unto the world. This day may we reconsecrate ourselves to those fundamentals on which the sleepers of our free institutions must forever rest for their glory and for their perpetuity. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

#### DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. ROGERS presented a conference report on the bill H. R. 15872, the Diplomatic and Consular appropriation bill, for printing under the rule.

#### ADDRESS OF MR. CAMPBELL OF KANSAS.

The SPEAKER. By special order of the House the gentleman from Kansas [Mr. CAMPBELL] is recognized to address the House for one hour.

Mr. CAMPBELL of Kansas. Mr. Speaker, governments do not spring up; they are created. They do not endure; they may be perpetuated. Is history a picture gallery containing few originals and many copies? Do the people of former periods set the example for the people of periods that follow? Is there a destiny that shapes our ends? An independent and free people may be original, make and follow their own plans, and de-

termine their own destiny. This hour is full of interest to those who are concerned with questions affecting the welfare of the people and the future of the Republic.

So it is not my purpose to-day to attempt to extend the fame or add to the renown of Washington. His fame is secure even to the earth's remotest bounds; his renown will grow as the centuries unfold the scroll of the ages. While men care for wisdom and honor and patriotism and appreciate the achievements of those who have served mankind, Washington will have a place in the minds and hearts of men in all countries and in all ages. [Applause.] I shall therefore take occasion on this anniversary of his birth to note the Government established by the fathers, the achievements made under it by the American people and its benefits to mankind, and at the same time consider the departures that have been made from its fundamental principles and purposes that endanger its perpetuity.

It is safe to say that the creation and adoption of the Constitution of the United States mark the world's greatest achievement in the art of self-government. The fathers under the leadership of Washington undertook the delicate and difficult task of creating a Government with such enduring principles as would make it susceptible of being perpetuated. It was provided that each citizen who lived under it should for all time be the political equal of every other citizen and that every man should have the opportunity of obtaining individual reward for individual effort. The Government created was of the people, by the people, and for the people. Its purposes and powers are simple, plain, and direct. It offers protection to the citizen in his right to life, liberty, property, and in the pursuit of his happiness. The powers granted are enumerated with such other powers as may naturally be implied from the written instrument.

These powers impose upon the Government created the duty of dealing with national and international questions affecting the life, the character, and the honor of the Republic and its people in their national and international relations. The right and duty of dealing with such questions as affect the individual citizen are left to the States and the smaller political subdivisions. Under this division of political authority and duty the people of the United States have through a hundred and thirty years enjoyed the freest and best government in all the world. Under the simple guaranties of government that make the individual secure in his natural rights the American citizen has been developed. He is self-reliant, resourceful, courageous, inventive, ambitious, patriotic, and appreciative of his heritage of freedom. There runs through his veins the best blood of every people north of the Mediterranean Sea. From the days of the fathers every generation has offered and freely given life and property for the maintenance of the honor, the preservation of the integrity, and the advancement of the glory of the Republic. It is ours. We must preserve it. We must not impose duties upon it that it can not perform. We must not ask the exercise of functions for which it was not created. We must not indulge in the hope of things from it that it can not give. We must not invite disappointments in the operation of its activities. It is enough that it shall always offer protection to all that man holds dear and shall continue to afford opportunities to the individual citizen to obtain rewards according to his individual ambitions and efforts.

The hope of winning individual reward has won for the American citizen the foremost place in every trade, in every business, in every industry, and in every profession. The humble but ambitious and industrious youth of our land have realized their highest hope and achieved their loftiest ambition. They have risen, step by step, from the job of the plainest laborer in the varied industries and occupations of our country to the highest executive positions in them. Our great physicians, financiers, captains of industry, ministers, lawyers, and statesmen have been recruited from the humble homes of the country. Inventions and discoveries, improvements in the arts and sciences that aid the health, add to life, and better the conditions of living are all the achievements of individuals seeking individual reward. A youth born in a cabin without a floor and without furniture, unprovided with a simple washbasin or the plainest infant's clothing, and amid all the indications of squalor and want, rose without the solicitude of a bureau or the aid of the Government to the Presidency of the Republic and left a greater name to history and mankind than any prince born to the purple in 30 centuries. [Applause.] Let not governmental solicitude or paternal care close to the ambitious youth of the future that door of opportunity.

Now, let me refer to some of the national assets acquired by the American people as a result of the individual efforts of the individual citizen. In advancing civilization westward from the sea forest and prairie yielded to individual industry and

became fertile and fruitful fields. Hillside and valley were covered with flocks and herds; rivers were bridged; mountains were tunneled; and railroads crossed the continent eastward and westward and traversed it northward and southward, touching its harbors in all the waters that wash its remotest borders on every side. Mill and shop and factory followed the growth of population and supplied in abundance the commodities that met the demand for necessities and gratified the taste for luxuries among our people. The continent from sea to sea has been covered with prosperous and happy homes, with populous and rich cities, all busy with industry and commerce. While making these achievements our people have cultivated the accomplishments that enlarge and ennoble life. The school, the church, the college, the university, and the eleemosynary institution have kept pace with the growth and progress of the people.

It is safe to say that no other people at any other time or in any other country have made such rapid and splendid growth as has been made by the American people under the protection of the Constitution in all that makes a Nation powerful or a people great. But let me call attention to some startling facts that further emphasize our high relative position among the nations of the world: We have 6 per cent of the world's population; we have 7 per cent of the world's landed area, but we produce 20 per cent of the world's gold, 25 per cent of the world's wheat, 40 per cent of the world's iron and steel, 40 per cent of the world's lead, 40 per cent of the world's silver, 50 per cent of the world's zinc, 52 per cent of the world's coal, 60 per cent of the world's copper, 60 per cent of the world's cotton, 70 per cent of the world's oil, 75 per cent of the world's corn; we operate 40 per cent of the world's railroads, refine 80 per cent of the world's copper, and manufacture 85 per cent of the world's automobiles. These achievements are all monuments to individualism. But, again, when the nations allied to resist the advance and conquest of the greatest military power of ancient or modern times came to our Government and people for men, for food, for war materials, and for money to meet the demands of that awful hour we supplied the men, the food, the materials, and the money. The allied nations in their hour of need did not appeal to other countries with area and natural resources equal to ours. Vast empires rich in every variety of resources lacked development because they lacked a simple constitution that protected the lives, the liberties, the property, and the pursuits of the people while they worked for their own advancement and sought rewards for their own efforts. They came to us because our institutions and laws had given our people a chance to develop their resources, make themselves strong, and our country great, while the individual citizen worked for his own advancement.

Our men, though untrained in the art of warfare, had the individuality and ability necessary to meet the demands of that day on land and sea, under the sea, in the air, in the trenches, over the top, and in no man's land. They were all fit; they were the marvel of allied armies and civil populations. From our abundant resources food and materials went to military and civil populations in allied and neutral countries. We were able in two short years to raise forty billions of dollars—fifteen billions by taxing our people and twenty-five billions by the sale to them of certificates and bonds. No other people in all the annals of time were ever able to accomplish what was done by the American people in that short period. [Applause.] The accumulations of individualism and the achievements of the individual citizen gave our country a place of imperishable glory in the annals of mankind. [Applause.]

It is not necessary that I should enumerate further the marvelous achievements and the great progress of our people under the simple guaranties of the Constitution. It is enough to say in addition that they have advanced in manhood, in character, in fortune, and in fame while working out their own destinies under that great instrument.

This leads me to call attention to the important duties of this hour that require us to take our bearing and to ascertain how far we have already been beguiled to divert and multiply the activities of the Government in matters foreign to its original purposes, and to contemplate the effects of such departure on the life of the Republic and on the opportunities of the individual citizen.

It would be difficult to enumerate all the departments, bureaus, and commissions of the Government at Washington that have been created to exercise bureaucratic authority and paternal guardianship over the people in every part of the Republic. There is no activity, business, social, or domestic condition that is not the object of their supervision, their solicitude, or their authority. Over 690,000 civilian employees make up the army that oversees and directs the affairs of the people and

assumes guardianship over them. Government agents and inspectors, exercising every variety of authority, are found on every Pullman out of and into Washington. Government reports on every subject from adenoids to rat traps fill the files of offices that cover acres of floor space in Washington. The mahogany and quarter-sawn oak office furniture already installed has cost many millions of dollars, and more is being constantly purchased.

If a yearling dies of foot-and-mouth disease on a farm in Kansas, the Government at Washington acts on the case. If a shot dies of the cholera in a hog lot in Iowa, the Government at Washington takes charge. If a weevil bores through a boll of cotton on a plantation in Texas, the Government at Washington is stirred to action. Nothing escapes the vigilant eye of the Government and its innumerable functionaries. If the price of one article goes up, let the Government take charge of the seller; if the price of another article goes down, let the Government take charge of the buyer. And thus the carnival of Government activities goes merrily on. Government control is assumed to be the remedy for every ill, and Government regulation the source of every good.

The people pay all the expenses. In some instances they pay it all through the Government at Washington. In the case of other activities they pay half through the Government at Washington and the other half through the governments of the States. But the people pay all the expenses of this complicated machinery of Government, that has its agents looking over the shoulders of every business man and directing the affairs of every citizen. This use of Government is not without deplorable precedent. The disappointment and despair of the people of France growing out of the delay in the inauguration of the millennium by the activities of the Government at Paris led to the French Revolution. The French Government at Paris undertook the control and the direction of everything that concerned the French people. It was assumed that the people could do nothing for themselves and that the Government could do everything. Failure, disappointment, and revolution followed.

The fathers embodied with rare wisdom those elements of strength and endurance which were essential if the Government was to be perpetuated through the ages. They avoided with the foresight of statesmen the things that lead to disappointment and discontent among the people. The fathers studied the experience of mankind in self-government. They studied the lessons and profited by the teachings of history. They sought and found the causes of failure by other peoples in the experiment of self-government. They did not wander into the realms of fancy. They were creating a Government for human beings whose nature has remained the same through all the centuries of time. They knew that the things that in other ages had invited criticism, provoked discontent, and resulted in disappointment and revolution would lead to the same end in future ages. They therefore created a Government adapted to the nature of man, a simple Government of laws to be enacted and enforced by the chosen representatives of a free people. The purpose of the Government was to protect them in their natural rights, and to enable them to meet their national and international duties and obligations.

The fathers did not contemplate a bureaucratic government at any time under the Constitution they gave us. It was not in the scheme of the fathers that the people should even be beguiled into using the Government at Washington for supervising or directing their purely personal, local, and domestic affairs. They knew that in a government of free people no man is big enough or wise enough or good enough to command another, his political equal, in what he may or may not do. It is fundamental that a free people may not be expected long to endure the annoyances, the vexations, the arbitrary regulations, the restrictions, or the disappointments that are incident to government by men acting as the functionaries of a central authority, directing the affairs of and exercising police powers over the people in the remotest parts of their territorial limits. Even the assurances of Government bureaus that the authority exercised over the liberty of the citizen is for his own good will not long beguile the citizen into a surrender of his right to live under a government of laws enacted by his authority and consent that merely protect him from injury by others and protect others from injury by him.

There is no word in the discussion by the fathers of the powers and duties of the Government they have handed down to us that leads to the belief that it was contemplated in their plan that the head of any department or the chief of any bureau or the agent of any commission should at any time make restrictions or arbitrary regulations affecting the life, liberty, property, or the pursuit of happiness of the citizen. Such restrictions upon the individual as were contemplated were to be

made only by the States, and the lesser political subdivisions having immediate jurisdiction, and then only by the plain terms of statutes enacted by the representatives of the people. The rapidly growing and alarming tendency to-day is toward a centralization of all authority and power incident to government in Washington.

Let me call attention to some of the things the fathers have said upon this subject.

Chief Justice Marshall said:

The genius and character of the whole Government seems to be that its action is to be applied to all external concerns of the Nation and to those internal concerns which affect the States generally.

Madison said:

It is to be remembered that the General Government is not to be charged with the whole power of making and administering laws. Its jurisdiction is limited to certain enumerated objects which concern all the members of the Republic, but which are not to be attained by the separate provisions of any.

Jefferson said:

It is not by the consolidation or concentration of powers but by their distribution that good government is effected.

We have already ignored the admonition of the fathers; we have defied the laws of human nature, which never change; we have overlooked the lessons of history. All these have admonished us that only governments of simple laws can properly serve or long endure in a country of free people. We have already been led by the delusion that Government bureaus, exercising bureaucratic authority and police power not authorized by the terms or implied by the provisions of the Constitution, are better for the people than a Government that lays down rules of action in plain statutes. We have been lured by the promise that Government agents would lead the citizen by the hand into green pastures, beside still waters, into elysian fields, then on into the millenium. Already the citizen looks about him and finds himself in the midst of a fool's paradise, entirely surrounded by Government bureaus. So many of the numerous bureaus of the Government are exercising bureaucratic authority and police power that they meet the citizen everywhere he turns—in his fields, in his mills, in his mines, in his shops, in his factories, in his places of business, great and small—everywhere substituting the will and judgment of a Government agent for the will and judgment of the individual citizen. No matter in what direction the citizen may turn, lo, the agent of the Government is there to forbid or to command. Instead of remaining his protector, the Government has become his guardian.

This is a wide departure from the Government founded by the fathers. Let me call attention to some admonitions of publicists and to dangers recorded by historians that await in the direction in which we are rapidly going.

Fiske, in his *Critical Period of American History*, says:

If the day should ever arrive (which God forbid) when the people of the different parts of our country should allow their local affairs to be administered from Washington . . . on that day the progressive political career of the American people will have come to an end, and the hopes that have been built upon it for the future happiness and prosperity of mankind will be wrecked forever.

This is at the same time a prophecy and a solemn warning.

De Tocqueville, the great commentator upon governments, in speaking of governmental conditions in France which immediately preceded the French Revolution says—I read excerpts:

They—

Referring to the government in Paris—

attempted a bureaucracy to administer, a democracy to govern. Collectively the nation was sovereign, individually citizens were confined in the closest dependence. Yet in the former were expected the virtues and experience of a free people, from the latter the qualities of a submissive servant. During the period which preceded the revolution a host of schemes for new societies and government were brought to light. These schemes sought various ends, but the means by which they were to be reached were invariably identical. All the schemers wanted to use the central government for the destruction of the existing system and the substitution of their new plan in its stead. They all assumed the rights and powers of the State ought to be unlimited, and that the only thing needed was to persuade it to use them aright. Mirabeau relied on the central power alone for the realization of his chimerical schemes.

Already in those days ministers were seized with a mania for seeing with their own eyes the details of everything and managing everything at Paris. The mania increased with time and practice. Not content with aiding the peasantry in times of distress, the Central Government undertook to teach them the art of growing by giving good advice and occasionally by resorting to compulsory methods. The Government distributed certain charitable donations among the various parishes on condition that the inhabitants should on their part make certain alms. A very extensive machinery was requisite before the Government could know everything and manage everything at Paris. The Government had suddenly changed all its agents and all its principles. Not a man but was affected, either in his rank or in his habits or in his business. No one knew whom to obey, where to apply, how to act. Every part of

the nation being thus thrown off its level one final blow was enough to set the whole in motion and produce the greatest convulsion and the most terrible disorders that were ever witnessed.

This awful parallel in the experience of mankind should cause us to stop and look and listen. We have already departed from the Government of the fathers into the same governmental activities over the personal affairs of the people that led to the greatest calamity in human history—the French Revolution.

We should be admonished not to follow their steps further in the direction of discontent, disorder, disappointment, and the destruction of government. It is already said that thousands of liberty-loving citizens are leaving our country because they allege it is no longer a Government of free people. Our people, with a majority of many millions, have recently repudiated a once popular leader of a great party, who was acclaimed throughout the world as the most popular Executive on earth. The sudden revolt against that leadership was in large part due to the fact that Government agents throughout his administration appeared everywhere, exercising bureaucratic authority and police powers over the people. There was an emphatic protest against such bureaucratic authority even in time of war. It is not improbable that like protest will be repeated against one administration of our governmental affairs after another if such bureaucratic powers are continued with all the burdens and vexations incident to their exercise. It must not be forgotten or for a moment overlooked that the agent of a bureau is neither wiser nor better nor more concerned in the welfare of the individual over whom he exercises his authority than the individual himself. Governments that depend upon the confidence and affection of the whole people for their perpetuation should use great care in giving rise to hopes of benefits that Governments can not give.

There are many matters that require more than individual attention, matters in which cooperation is not only desirable but necessary. In all such matters the smaller political subdivisions and the States should be resorted to. In that way the portion of the public directly concerned are able to observe and intelligently determine whether those they have employed to do the particular things they require are rendering a service that justifies the continuance of the activity and the expense involved in carrying it on. It is a profound truth that that government is best that governs least.

The increase of governmental activities by the Government at Washington naturally leads here to brief comment on the question of taxation necessary for their support. The cost of the Government at Washington to-day runs into many billions. It must be paid by the people through taxation. No tax or system of taxation is popular. The taxgatherer has been unwelcome in all ages and in all countries. As the tax increases the criticism of the activity for which it is imposed is multiplied. Even benefits that are local are not always looked upon as compensation for the heavy tax imposed for their maintenance. When the benefits are remote criticism becomes emphatic protest. Many bureaus and commissions created to lighten the burdens or better the conditions of the people have only resulted in increasing the burden of taxation they bear. There is a warning in these words:

He has erected a multitude of new offices and sent hither swarms of officers to harass our people and eat out our substance.

This was one of the charges made by the fathers against George III in their Declaration of Independence.

The Government of the United States is of so great national and international importance to our people even unto the remotest township and hamlet of the Republic that its place in their affections should not be imperiled, nor should it be made the object of common criticism for failure to do for the citizen what the citizen alone can do for himself. A solemn responsibility and a great duty immediately confront us here. We are the chosen representatives of the American people, sworn to protect and defend the Constitution against all enemies, foreign and domestic. It is time to begin the process of restoring a government of laws under the Constitution. It is time to limit the activities and reduce the expenses of Government at Washington. [Applause.] The process of eliminating every element of weakness with which the Government has been burdened and which now make it the object of criticism should be gradual but persistent, until we can again look upon it as the simple government of laws, given us by the fathers for the purpose of guaranteeing life, liberty, property, and the pursuit of happiness by the people. We must give assurance to the hope that under God our children and their children from generation to generation may have in the centuries as they come and go the same guaranties and the same opportunities that we and our ancestors have enjoyed under the Constitution of the United States. [Applause.]

## EXTENDING PROVISIONS OF THE FARM LOAN ACT TO PORTO RICO.

Mr. McFADDEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 8038, and agree to the Senate amendments.

The SPEAKER. The gentleman from Pennsylvania calls up from the Speaker's table a bill of which the Clerk will report the title.

The Clerk read as follows:

H. R. 8038. An act to amend section 4 of an act approved July 17, 1916, known as the Federal farm loan act, extending its provisions to Porto Rico.

The Senate amendments were read.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. WINGO. Reserving the right to object, Mr. Speaker, I understand the gentleman asks unanimous consent to agree to the Senate amendments.

The SPEAKER. The Chair thinks it does not require unanimous consent to take it from the Speaker's table.

Mr. WINGO. How is it a privileged matter?

The SPEAKER. It is a House bill with Senate amendments on the Speaker's table.

Mr. GARD. Was not the request of the gentleman from Pennsylvania for unanimous consent?

The SPEAKER. It was.

Mr. WINGO. Mr. Speaker, would not the gentleman ask unanimous consent to disagree to the Senate amendments and send the bill to conference? The Senate amendments involved proposals that have been rejected by the House Committee on Banking and Currency when it reported this bill. I have no desire to delay the carrying out of the judgment of the House, although it be contrary to my judgment. I was against the bill when the House reported it. The House limited the bill to the bank in Springfield, Mass., which they contend is the financial center where their business is done. The Senate goes further and authorizes any land bank in the United States to establish a branch in Porto Rico. There is the case pending in the Supreme Court involving the provisions of the farm-loan act. There are numerous applications for amendment to the law. I think the wiser course is to wait until the farm-loan system is tried out before you make any amendment to it. If the Senate amendments are immaterial they can be shown to be immaterial.

Mr. MONDELL. Will the gentleman yield?

Mr. WINGO. I will.

Mr. MONDELL. My understanding from a hurried reading of the Senate amendments is that whereas the House bill provides that the bank at Springfield shall be the parent bank, so to speak, the Senate amendments provide that the parent bank of Porto Rico will be such a bank in the United States as may be designated by the board. That is my understanding.

Mr. GARRETT. By the Federal Land Bank Board here.

Mr. MONDELL. That is correct. It is a question whether it is going to be the Springfield bank or some other bank somewhere in the United States.

My understanding of the reason for that change is this: It seemed entirely possible that conditions might arise which would make it wise to have some other bank, rather than the Springfield bank, act in this capacity, and that could have been done by a change of designation by the Farm Loan Board without coming back to Congress.

Mr. WINGO. That is the very danger which men who voted for the original bill but who are now opposed to this assigned to me. I am not carrying out my own personal wishes. The gentleman knows that I am against the whole thing for the present, but gentlemen who supported the bill on both sides of the aisle have suggested to me that there is the danger that we were careful in the House bill to limit this branch bank to one Federal land bank, which the proponents of the bill themselves say is a bank in the territory where the Porto Ricans do their business, but under the Senate amendments this Farm Loan Board down here, willy-nilly, without consulting Congress, might transfer that liability from one Federal land bank to another one in another part of the United States. Congress is going to be in session at all times, and if that is going to be done I think that Congress could be trusted to act intelligently on the proposition. My objection goes to the procedure. We have 10 days yet before the end of the present session. Let the gentlemen follow the customary course, take up the bill, disagree to the Senate amendments, and ask for a conference. I shall not object to that. Then if they can not agree, gentlemen can come in and press for a concurrence in the Senate amendments. Why lay down and let the Senate have its way without any other protest at all?

Mr. McFADDEN. This is a very minor suggestion. The controlling thought in the committee, as I remember, when the bill was considered, was the fact that the Springfield bank was doing less business than any of the other of the farm-loan banks, and it was thought that because of that fact this branch should be a branch of the Springfield institution, and this designation in the amendment leaving this in charge of the Federal Farm Loan Board does not materially change the effect of the bill.

Mr. WINGO. The gentleman may be right as to what governed him, but the gentleman will remember that that is one of the objections that I offered to putting it up there.

Mr. BLAND of Indiana. Mr. Speaker, I demand the regular order.

Mr. WINGO. But whatever may have been the motive that governed different gentlemen, it is true that the judgment of the committee was against this, and the judgment of the committee being against it, the House should insist on a conference.

The SPEAKER. The gentleman from Indiana demands the regular order. The regular order is, Is there objection?

Mr. WINGO. Mr. Speaker, I shall object for the present. I shall not object to unanimous consent to sending it to conference.

Mr. McFADDEN. Mr. Speaker, then I move to take from the Speaker's table the bill H. R. 8038, an act to amend section 4 of the act approved July 17, 1916, known as the Federal farm loan act, extending its provisions to Porto Rico, with Senate amendments thereto, and to concur in the Senate amendments.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania to take from the Speaker's table and to concur in the Senate amendment to the bill which has just been reported.

Mr. STEVENSON. Mr. Speaker—

The SPEAKER. Does the gentleman yield?

Mr. McFADDEN. I have not yielded the floor. Upon that motion I demand the previous question.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and on a division (demanded by Mr. Wingo) there were—ayes 85, noes 35.

Mr. WINGO. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Arkansas makes the point of order that there is no quorum present. Evidently there is not. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. The question is on ordering the previous question.

The question was taken; and there were—yeas 207, nays 104, not voting 117, as follows:

## YEAS—207.

Ackerman	Fish	Klecza	Patterson
Andrews, Nebr.	Focht	Knutson	Pou
Anthony	Fordney	Kraus	Purnell
Ashbrook	Poster	Lampert	Radcliffe
Barbour	Frear	Langley	Ramsey
Bee	Freeman	Lankford	Ramsayer
Begg	French	Layton	Randall, Calif.
Bell	Fuller	Lee, Ga.	Randall, Wis.
Benham	Gandy	Leibach	Ransley
Bland, Ind.	Garrett	Little	Rayburn
Boies	Glynn	Longworth	Reed, N. Y.
Bowers	Godwin, N. C.	Luce	Reed, W. Va.
Brand	Good	Lufkin	Rhodes
Brinson	Goodall	Luhning	Ricketts
Britten	Goodykoontz	McAndrews	Riddick
Brooks, Ill.	Graham, Ill.	McArthur	Robinson, N. C.
Browne	Greene, Mass.	McFadden	Robison, Ky.
Buchanan	Greene, Vt.	McKinley	Rodenberg
Burroughs	Griest	McLaughlin, Mich.	Rose
Butler	Hadley	McLaughlin, Nebr.	Rowe
Campbell, Kans.	Hardy, Colo.	McLeod	Sanders, Ind.
Carss	Haugen	McPherson	Sanders, La.
Chindblom	Hawley	MacGregor	Sanders, N. Y.
Christopherson	Hays	Magee	Schall
Cole	Hernandez	Major	Scott
Cooper	Hersey	Mann, Ill.	Sinnot
Crago	Hersman	Mansfield	Slemp
Cramton	Hickey	Mapes	Small
Currie, Mich.	Hicks	Martin	Smith, Idaho
Dale	Hoch	Mason	Smith, Ill.
Dallinger	Hoey	Merritt	Smith, Mich.
Darrow	Hudspeth	Michener	Snell
Davis, Minn.	Hull, Tenn.	Miller	Snyder
Dempsey	Husted	Monahan, Wis.	Stedman
Denison	Hutchinson	Moore, Ohio	Steenerson
Dowell	Ireland	Mott	Stephens, Ohio
Dyer	Johnson, S. Dak.	Murphy	Stiness
Echols	Johnson, Wash.	Nelson, Wis.	Strong, Kans.
Elliott	Jones, Pa.	Newton, Minn.	Strong, Pa.
Elston	Juhl	Nolan	Summers, Wash.
Emerson	Kearns	Ogden	Sumners, Tex.
Esch	Kelly, Pa.	Osborne	Sweet
Evans, Nebr.	Kendall	Overshott	Swindall
Fairfield	King	Park	Swope
Fess	Kinkaid	Parker	Taylor, Tenn.

Temple	Upshaw	Wason	Williams
Thompson	Valle	Watson	Wood, Ind.
Ullson	Voigt	Weaver	Wright
Timberlake	Volstead	Welling	Yates
Tincher	Walsh	Whaley	Young, N. Dak.
Towner	Walters	White, Kans.	Zihlman
Treadway	Ward	White, Me.	

## NAYS—104.

Almon	Dickinson, Mo.	Jones, Tex.	Rainey, Henry T.
Aswell	Deminick	Kettner	Rainey, John W.
Bakka	Drane	Kincheloe	Raker
Barkley	Drewry	Lanham	Romjue
Benson	Evans, Mont.	Larsen	Rouse
Black	Ferris	Lea, Calif.	Rucker
Bland, Va.	Fields	Lesher	Sabath
Blanton	Fisher	Linthicum	Sims
Bowling	Flood	McClintic	Sisson
Box	Gallivan	McDuffie	Smithwick
Briggs	Gard	McKeown	Steagall
Byrnes, S. C.	Goldfogle	McKiniry	Steele
Byrnes, Tenn.	Griffin	Mays	Stephens, Miss.
Caldwell	Hardy, Tex.	Milligan	Stevenson
Caraway	Hastings	Minahan, N. J.	Stoll
Carw	Hayden	Montague	Tague
Carter	Holland	Moore, Va.	Taylor, Ark.
Cleary	Howard	Nelson, Mo.	Tillman
Coady	Huddleston	O'Connell	Venable
Collier	Humphreys	Oldfield	Vinson
Connally	Igoe	Oliver	Welty
Crisp	Jacoway	Padgett	Wilson, La.
Cullen	James, Va.	Parrish	Wilson, Pa.
Davis, Tenn.	Jeffers	Pell	Wingo
Dent	Johnson, Ky.	Phelan	Woods, Va.
Dewalt	Johnson, Miss.	Quin	Young, Tex.

## NOT VOTING—117.

Anderson	Duba	Kitchin	Riordan
Andrews, Md.	Dupré	Kreider	Rogers
Ayres	Eagan	Lazaro	Rowan
Bacharach	Eagle	Loneragan	Rubey
Baer	Edmonds	McCulloch	Sanford
Bankhead	Ellsworth	McGlennan	Scully
Bland, Mo.	Evans, Nev.	McKenzie	Sears
Brooks, Pa.	Gallagher	McLane	Sells
Brumbaugh	Ganly	Madden	Sherwood
Burdick	Garnier	Maher	Shreve
Burke	Goodwin, Ark.	Mann, S. C.	Siegel
Campbell, Pa.	Gould	Mead	Sinclair
Candler	Graham, Pa.	Mondell	Smith, N. Y.
Cannon	Green, Iowa	Moon	Sullivan
Cantrill	Hamill	Mooney	Taylor, Colo.
Casey	Hamilton	Moore, Ind.	Thomas
Clark, Fla.	Harrell	Morin	Tinkham
Clark, Mo.	Harrison	Mudd	Vare
Classon	Hill	Neely	Vestal
Copley	Houghton	Newton, Mo.	Volk
Costello	Hulings	Nicholls	Watkins
Crowther	Hull, Iowa	O'Connor	Webster
Curry, Calif.	James, Mich.	Olney	Wheeler
Davey	Johnston, N. Y.	Paige	Wilson, Ill.
Dickinson, Iowa	Kahn	Perlman	Winslow
Donovan	Keller	Peters	Wise
Dooling	Kelley, Mich.	Porter	Woodyard
Doremus	Kennedy, Iowa	Rainey, Ala.	
Doughton	Kennedy, R. I.	Reavis	
Dunbar	Kless	Reber	

So the previous question was ordered.

The Clerk announced the following pairs:

Until further notice:

Mr. GRAHAM of Pennsylvania with Mr. KITCHIN.  
 Mr. CROWTHER with Mr. GOODWIN of Arkansas.  
 Mr. VARE with Mr. MOON.  
 Mr. HARRELD with Mr. SHERWOOD.  
 Mr. WINSLOW with Mr. BANKHEAD.  
 Mr. WHEELER with Mr. RIORDAN.  
 Mr. DICKINSON of Iowa with Mr. WISE.  
 Mr. TINKHAM with Mr. O'CONNOR.  
 Mr. MUDD with Mr. THOMAS.  
 Mr. KLESS with Mr. SULLIVAN.  
 Mr. ROGERS with Mr. TAYLOR of Colorado.  
 Mr. KAHN with Mr. DUPRÉ.  
 Mr. EDMONDS with Mr. CASEY.  
 Mr. HOUGHTON with Mr. NEELY.  
 Mr. MONDELL with Mr. OLNEY.  
 Mr. KENNEDY of Rhode Island with Mr. GANLY.  
 Mr. DUNBAR with Mr. WATKINS.  
 Mr. REAVIS with Mr. CLARK of Missouri.  
 Mr. MCKENZIE with Mr. CAMPBELL of Pennsylvania.  
 Mr. PAIGE with Mr. AYRES.  
 Mr. ELLSWORTH with Mr. SMITH of New York.  
 Mr. PORTER with Mr. NICHOLLS.  
 Mr. MORIN with Mr. RUBEY.  
 Mr. PETERS with Mr. BRUMBAUGH.  
 Mr. BACHARACH with Mr. GARNER.  
 Mr. SHREVE with Mr. SCULLY.  
 Mr. BROOKS of Pennsylvania with Mr. DAVEY.  
 Mr. CLASSON with Mr. DOREMUS.  
 Mr. BURDICK with Mr. CANDLER.  
 Mr. ANDERSON with Mr. McLANE.  
 Mr. DUNN with Mr. GALLAGHER.  
 Mr. BURKE with Mr. MOONEY.

Mr. CURRY of California with Mr. HAMILL.  
 Mr. CANNON with Mr. CLARK of Florida.  
 Mr. GOULD with Mr. MEAD.  
 Mr. COPLEY with Mr. RAINEY of Alabama.  
 Mr. REBER with Mr. LAZARO.  
 Mr. GREEN of Iowa with Mr. EAGLE.  
 Mr. HILL with Mr. JOHNSTON of New York.  
 Mr. SIEGEL with Mr. MANN of South Carolina.  
 Mr. KREIDER with Mr. MCGLENNON.  
 Mr. HULL of Iowa with Mr. DONOVAN.  
 Mr. SELLS with Mr. MAHER.  
 Mr. WOODYARD with Mr. DOUGHTON.  
 Mr. JAMES of Michigan with Mr. CANTRILL.  
 Mr. KELLER with Mr. ROWAN.  
 Mr. PERLMAN with Mr. SEARS.  
 Mr. NEWTON of Missouri with Mr. HARRISON.  
 Mr. KELLEY of Michigan with Mr. EAGAN.  
 Mr. SINCLAIR with Mr. EVANS of Nevada.  
 Mr. VOLK with Mr. LONERGAN.  
 Mr. MADDEN with Mr. DOOLING.  
 Mr. MOORES of Indiana with Mr. BLAND of Missouri.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present; the Doorkeeper will open the doors. The question is on the motion.

Mr. WINGO. Mr. Speaker, there are 20 minutes of debate on a side. Is the gentleman from Pennsylvania going to discuss it?

Mr. McFADDEN. I did not intend to do so unless the gentleman wants some time.

Mr. WINGO. I am going to take the 20 minutes allowed under the rule.

Mr. CANNON. Why does not the gentleman take some time and explain it?

Mr. WINGO. Of course, the gentleman is entitled to first recognition; and I presume the House wants to know something in reference to the bill.

Mr. McFADDEN. I will wait and hear from the gentleman. I reserve my time.

Mr. WINGO. Mr. Speaker, so those who came in may understand what the situation is, the gentleman from Pennsylvania [Mr. McFADDEN], chairman of the Committee on Banking and Currency, called from the Speaker's table the bill H. R. 8038 and moved that the House concur in the Senate amendments and moved the previous question. This bill is a bill to amend the Federal farm loan act so as to extend its provisions to the island of Porto Rico. As the bill passed the House, we authorized the Springfield, Mass., Federal farm land bank to establish a branch in Porto Rico. The Members are familiar with the arguments which were made in favor of the bill and the justification that was made for the passage of the bill through the House, limiting it to the one bank that took in the territory through which the people of Porto Rico did their business. My position is that we should have followed the customary and usual practice—that is, the gentleman ask that we disagree to the Senate amendments and send the bill to conference. I should not object to that. The conferees who would have been appointed by the Speaker would have been in favor of the Senate amendments. I believe that I can go before the conferees of the Senate and I can make them agree to an amendment to their own amendments. They are going to do more than they intend and more than this House intends. But I appreciate the dilemma of my friend from Pennsylvania—he is between two cross fires. His natural impulse is first to follow the customary course and next to be courteous to the Democrats on the committee; but the insistence of the leaders who are at the back urge him on to put things through, whether or not the House understood them or whether the House cared, so I do not blame my friend; but I can say to the leaders and Members that you will never gain any time by doing it. I have never yet on the floor of this House wasted any time on banking and currency matters, except to give what little information I had in my humble way. Now, gentlemen, let us see what is the position of the Committee on Banking and Currency and what is the position I have urged on that committee, even when my own constituents came before the committee and insisted on amendments which would extend the privilege of the farm loan act to people in the United States who did not now have it.

That position has been this, and this House has ratified it time and again, that we wait until this farm loan system is tried out and give it a chance, and amend it only as time and experience shows is necessary, and along safe and sane lines. Now, I can understand how men voted for the original House bill to authorize the Springfield bank to establish a branch down there, and I would be willing to do it if you would put some limitation on it that you remember I offered on the

floor; but I tell you this Senate amendment on the bill as it is now will authorize the establishment of an original farm land bank in Porto Rico, and there is no lawyer on this floor who will sit down and study this language who will jeopardize his reputation as a lawyer who would say that is not true. That is what it is going to do. Now, why not vote down this proposition and send this bill to conference? Will we lose anything—

Mr. CHINDBLOM. Will the gentleman yield?

Mr. WINGO. I will.

Mr. CHINDBLOM. Will the gentleman analyze the language in the amendment so as to show what will result in the establishment of a new bank?

Mr. WINGO. If I have time I will; but there is the trouble. I have got some colleagues who want some time. You have voted to shut off debate in this House. I have given the gentleman the provision that he as a lawyer can analyze. I could not get a copy of the bill from the Clerk. I had to borrow one, and the gentleman may have the same trouble. That is the trouble in ramming this thing through—

Mr. CHINDBLOM. But the gentleman has reached a conclusion and announced that conclusion, and I ask him briefly for his reasons.

Mr. WINGO. The gentleman listened to me. I think there are gentlemen sitting before me who know that I have already called your attention to one specific provision of the bill. I am not going to waste time by repeating it. You get the bill. You can read it while I am talking, and if you do not come to the conclusion that I have mentioned I will be surprised, for I have a great respect for the gentleman's legal ability. The gentlemen have not told us anything about it. The principal objection I have to the whole thing is that you have got this matter already up in the Supreme Court now, and do not know what they are going to decide. Men who bought these bonds in good faith are entitled to not have their security disturbed, and just as sure as you put through this wide-open measure authorizing the Federal land bank to establish a Porto Rican branch and attach it to an inland bank of the United States, whenever that land bank goes out or when the Farm Loan Board goes out and floats bonds in the future, bring it home to yourself that if you are going into the market to buy bonds what effect would that have on the security in your eye as a safe investment?

It is not fair to the farmers of America to jeopardize their security and depreciate it in the market in order to do your duty to Porto Rico. You can do your duty to Porto Rico by providing for a separate, independent system down there for which the Federal land banks of the United States are not responsible.

I will go further with you and say that I will not only be with you in recognizing our duty to Porto Rico but I will be willing for the Federal Treasury to put up all the stock and carry it all; but what I object to is to saddle this risk on all the farm loans and bonds of the United States, and making every farmer in the United States who has a loan in this bank directly responsible to the extent of his stock in that bank, which is 5 per cent of his loan, for the loans in Porto Rico.

Mr. BEE. Will the gentleman yield?

Mr. WINGO. I will.

Mr. BEE. I am very much interested in that statement, because it is a controlling factor in my mind. I have not been able to tell how the stockholders in this country would be rendered liable.

Mr. WINGO. You can not get a loan at a farm loan bank unless you subscribe to 5 per cent of the capital stock through your local association. That is a stockholder's liability. It is true that it is a very remote one.

Mr. BEE. You mean the stockholders there?

Mr. WINGO. The farmer who borrows.

Mr. BEE. In the United States?

Mr. WINGO. Yes; in the United States.

Mr. BEE. He would be liable for the bad loans in Porto Rico?

Mr. WINGO. Certainly. Because these bonds are going to be issued, and if there is any deficit at all the whole system will be responsible. The gentleman says that is a remote possibility. I concede that is true; but, gentlemen, even if it is remote, it is a factor in the sale of bonds, is it not? I am talking to men some of whom have invested in bonds. Human nature is human nature. The point I am making is not antagonistic to Porto Rico.

Mr. BLAND of Indiana. Will the gentleman yield?

Mr. WINGO. I would suggest that the gentleman get time from the gentleman from Pennsylvania [Mr. McFADDEN], as I have little time.

Do not jeopardize the farm loan system in the United States. God knows it has enough tax on it now. Give the Porto Ricans a system if you want to do so; subsidize it out of the Federal Treasury if it is necessary to the Porto Ricans; but I object to depressing the farm loan bonds issued to take care of loans in Kansas, Michigan, Pennsylvania, or in Arkansas, in order to discharge our duties to the Porto Ricans and saddle that liability on the loans made by the farmers of the United States. [Applause.]

Mr. McFADDEN. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Speaker and gentlemen of the House, this bill was considered in the House and passed by an overwhelming majority, notwithstanding the strenuous opposition of my friend from Arkansas [Mr. WINGO]. There is not anything of danger in it; there is not anything in it that could possibly disparage the system in the United States. He speaks about the 5 per cent guaranty. The 5 per cent guaranty is created for the protection of the particular members of the particular association that a man joins. That in Porto Rico would, of course, be the guarantee for the Porto Ricans, and Porto Ricans alone. He says that to extend the act to Porto Rico would injuriously affect the bonds of the United States. I doubt that any such result can possibly occur.

Mr. BEE. Will the gentleman yield for a question?

Mr. TOWNER. If the gentleman will be very brief.

Mr. BEE. I understand the gentleman's statement that this 5 per cent guaranty would only apply to the members of the farm-loan bank in Porto Rico and not in the United States?

Mr. TOWNER. It would only apply to the particular association.

Mr. JUUL. Will the gentleman yield to me?

Mr. TOWNER. I will.

Mr. JUUL. The bill states that no loan shall be made in the island of Porto Rico to run for a longer term than 20 years. Will the gentleman tell us whether that is an increase of the period of time or a decrease upon the grant already existing?

Mr. TOWNER. It is a decrease in the farm-loan system.

Mr. JUUL. What is the limit of time?

Mr. TOWNER. That is fixed by the Farm Loan Board.

Mr. JUUL. And this is a limitation?

Mr. TOWNER. This is a limitation.

Mr. DEWALT. Will the gentleman yield to me?

Mr. TOWNER. I will.

Mr. DEWALT. The gentleman from Arkansas referred to litigation now pending in the Supreme Court. Will the gentleman briefly state what that is, or whether that would affect this matter at all?

Mr. TOWNER. I presume it may affect it, as it might affect the whole system. The suit attacks the constitutionality of the law. But it would not affect this particular case any more than it would affect all the others. That is sufficient, I presume, for the purpose of this consideration.

Now, gentlemen, this bill passed the House; it went to the Senate with the provision in the bill that the branch bank in Porto Rico should report to the Springfield, Mass., regional bank. The Senate committee and the Senate thought that it would be better not to fix it permanently in Springfield, Mass., because it might be desirable to make them report to the New York bank or to the Charleston bank, or some other bank along the Atlantic coast. So they thought it better on the whole to leave it to the Farm Loan Board. I have not any doubt but that the first regional bank that will be selected will be the Springfield bank. However, it will then be subject to change.

It will be seen that this amendment which was made in the Senate was not a material amendment at all. I do not think it affects the bill injuriously in any way to agree to the Senate amendment. If it had been a material change, of course there would have been time or opportunity offered for a longer discussion, and I will say to the gentleman from Arkansas [Mr. WINGO] that it was with no object of cutting off discussion, except that we might have it discussed only as long as it would be just to do so. Forty minutes is long enough to discuss this proposition. We might have cut it off to a very few minutes by commencing the discussion and then moving the previous question and putting it to a vote.

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. McFADDEN. Mr. Speaker, the gentleman from Arkansas [Mr. WINGO] made a particular point that the passage of this bill would mean the establishment of another farm loan bank in Porto Rico. In answer to his question I want to read from the bill the following, from page 2, line 2:

Subject to the approval of the Federal Farm Board and under such conditions as it may prescribe, the provisions of this act are extended to the island of Porto Rico; and such Federal land bank as may be

designated by the Federal Farm Loan Board is hereby authorized to establish a branch bank at such point as the Federal Farm Loan Board may direct on the island of Porto Rico.

I can not for the life of me understand how the gentleman can construe that language to mean that the passage of this bill will establish another Federal farm loan bank. If the gentleman can make that language say any such thing, I can not understand how he succeeds in doing it.

Now, there was no attempt on the part of the chairman of the committee to force this legislation through. The reason why I proceeded in the manner I did is because we are in the closing days of Congress. This is an important measure to the people of Porto Rico, and if it was referred to conference, as the gentleman suggested, it would mean delay, because we all know the congested condition at the other end of the Capitol, and it simply means that the bill would be defeated if it were handled in the manner he suggests. The gentleman is opposed to the bill, and he is using these methods for the purpose of defeating the legislation.

Mr. McKENZIE. Mr. Speaker, will the gentleman yield?

Mr. McFADDEN. Yes; I yield to the gentleman.

Mr. McKENZIE. I simply want to ask the gentleman from Pennsylvania whether, under the provisions of this bill, the proceeds received from the sale of these bonds in this country could be loaned in the island of Porto Rico to the people there, or does it provide that the people of Porto Rico must buy a certain number of bonds?

Mr. McFADDEN. The people of Porto Rico can buy, and the people of the United States can buy these bonds.

Mr. McKENZIE. Yes. But will it be possible under this legislation to sell these farm loan bonds in this country and then use the proceeds derived from such sale and make loans in Porto Rico?

Mr. McFADDEN. If the Federal Farm Loan Board sees fit to do that it will.

Mr. STEVENSON. Mr. Speaker, will the gentleman yield to me?

Mr. McFADDEN. Certainly.

Mr. STEVENSON. I want to direct the gentleman's attention to the fact that, apropos the gentleman's remark about the gentleman from Arkansas [Mr. Wingo], I was one of the most enthusiastic supporters of this bill and helped to get it out of committee and helped to get it before the House. I agree with the gentleman from Arkansas that this bill should go to conference. I do not think it will endanger the enactment of the bill. I think it will benefit the bill.

Mr. JUUL. Mr. Speaker, will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. JUUL. As I understand this bill, the House and Senate have passed it, and the only change there is in it, compared with the way it existed before, is that instead of the land bank in Massachusetts being in control, the Federal Board is in control?

Mr. McFADDEN. Yes. The Federal Board, in spite of this, may designate the Springfield bank, or the Baltimore bank, or any one of the 12 Federal land banks.

Mr. JUUL. And we have already practically passed the bill, with the exception of that feature?

Mr. McFADDEN. Exactly. The gentleman can easily understand that if we send this bill to conference the conferees will have very little to stand on in conference in exacting the things that the gentlemen propose.

Mr. BRAND. Mr. Speaker, will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. BRAND. Does the gentleman entertain the same opinion as Judge Towner does in regard to liability in case of a loss on these loans, to-wit, that no one but people who belong to the institution in Porto Rico are in anywise responsible for losses that may be sustained, if any?

Mr. McFADDEN. That applies to the 5 per cent stock subscription?

Mr. BRAND. No. Would the farmers of this country not in the system be responsible as taxpayers for any loss on account of the operations of the branch bank in Porto Rico? If any loss occurs—

Mr. McFADDEN. Only in case of the failure of the farm loan system, I will say to the gentleman.

Mr. BEE. Mr. Speaker, will the gentleman yield?

Mr. McFADDEN. Certainly.

Mr. BEE. Every other farm loan bank is responsible and liable, is it?

Mr. McFADDEN. You are liable on account of your stock subscription.

Mr. BEE. Everybody is now.

Mr. McFADDEN. We are extending to the Porto Ricans the same privilege, the right to borrow up to \$5,000 for a period of 20 years.

Mr. HAUGEN. Mr. Speaker, will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. HAUGEN. The language at the top of page 2 reads:

Any Federal bank may establish branches within the land bank district.

Is that for the purpose of establishing a branch bank? What is the object in establishing branch banks?

Mr. McFADDEN. To accommodate borrowers, the farmers who are borrowing.

Mr. HAUGEN. Would it not entail considerable expense?

Mr. McFADDEN. I do not think so. All the expense has to be paid under the law by them.

Mr. HAUGEN. Is it necessary for the establishment of these banks?

Mr. McFADDEN. Yes. It may be in some instances to accommodate farmers who want to borrow.

Mr. HAUGEN. For what reason? I am speaking about branch banks. Why is it necessary to establish branch banks? Is it to pile up the expenses?

Mr. McFADDEN. No. The object is to accommodate the borrowers in the various localities.

Mr. HAUGEN. Are they not being accommodated by the present branch bank?

Mr. McFADDEN. In some instances they are not in Porto Rico, and this bill provides for that.

Mr. HAUGEN. How many branch banks are contemplated?

Mr. McFADDEN. One in Porto Rico.

Mr. HAUGEN. It says:

Any land bank may establish branches within the land bank district.

Does this apply only to Porto Rico?

Mr. McFADDEN. I will say that this bill is a specific bill for the relief of the situation in Porto Rico.

Mr. HAUGEN. Does the gentleman contend that it limits it to one branch bank, and no more?

Mr. McFADDEN. It is limited to one branch and one bank.

Mr. WINGO. Will the gentleman yield there?

Mr. McFADDEN. Yes.

Mr. WINGO. Does the gentleman agree with the gentleman from Iowa [Mr. Towner] that if the Porto Rico branch bank should fail and there is a loss it would only fall on the stockholders of the branch bank in Porto Rico, and not on the farm borrowers in Kansas or any other district in the United States?

Mr. McFADDEN. It would fall on the stockholders of the farm loan system.

Mr. WINGO. The entire system?

Mr. McFADDEN. The entire system, as I understand.

Mr. WINGO. The gentleman from Iowa [Mr. Towner] is in error in his conclusion, and I felt sure that the gentleman from Pennsylvania would say that.

Mr. TOWNER. I think the gentleman from Iowa is not in error. The 5 per cent which is paid into the guaranty fund does not extend beyond the immediate association.

Mr. WINGO. With all respect for the gentleman's knowledge—and I have great respect for it—I candidly assure the gentleman that he is in error.

Mr. TOWNER. I candidly assure the gentleman from Arkansas that he is in error regarding the matter. The guaranty of the 5 per cent only extends to the immediate association which is organized when these farm loan associations are organized. The only possible loss that could occur would be for the failure of some of the bonds that are issued, or something of that kind. That, of course, would be equally borne by all the people of the United States; but no loss could occur so far as the 5 per cent guaranty fund is concerned, outside of Porto Rico. That certainly is true.

Mr. WINGO. The gentleman is speaking about one thing and I am talking about another. I am talking about the stock liability.

Mr. TOWNER. The gentleman in his remarks said the 5 per cent contribution which must be subscribed by the men when they enter the system—

Mr. WINGO. Sure; and I remember very distinctly that I made a fight to limit the act when it was written—to limit it to the gentleman's viewpoint—but I lost out, and I know that the stock liability extends to every stockholder to the extent of his stock.

Mr. TOWNER. The gentleman is still talking about stock liability.

Mr. WINGO. I am talking about the 5 per cent subscription. What is the gentleman talking about?

Mr. TOWNER. About the liability these men take with regard to guaranteeing the loans in their own association.

Mr. WINGO. I do not know anything about that fund. The only thing I know anything about is the 5 per cent stock subscription. I never heard of the other.

Mr. STEAGALL. Will the gentleman from Pennsylvania yield for a question?

Mr. McFADDEN. I have only a few minutes. I will yield if the gentleman will be brief.

Mr. STEAGALL. Is not this the fact, that in case of a loss it will fall, first, on the farmers and be paid out of their 5 per cent liability? If not, it will then fall on the other 12 loan banks to make it good, and if they can not pay it, the bondholders who hold the bonds would be the folks who would lose the money?

Mr. McFADDEN. The gentleman is practically correct.

Mr. HAUGEN. Will the gentleman yield for another question?

Mr. McFADDEN. Yes.

Mr. HAUGEN. I understood the gentleman to say that the establishment of branch banks is limited to one, to Porto Rico?

Mr. McFADDEN. It is, under this bill.

Mr. HAUGEN. I think the gentleman is in error about it. Any land bank may establish branches, not one, but "branches," in the plural.

Mr. McFADDEN. With the approval of the Federal Farm Loan Board?

Mr. HAUGEN. Exactly, with the approval of the Federal Farm Loan Board; so with the approval of the board they may establish a thousand or any number.

Mr. McFADDEN. I can not imagine the Farm Loan Board doing that in Porto Rico. This is a specific bill for the relief of the farmers in this island.

Mr. HAUGEN. I am talking about the language of the bill.

Mr. TOWNER. That is in the original bill.

Mr. HAUGEN. It is the original bill I was talking about, as to the number of branch banks that could be established.

Mr. TOWNER. What has been done with regard to the Porto Rican matter is entirely different from that and outside of that. That is the original law now, and it is not changed at all in the slightest particular.

Mr. HAUGEN. It is the law now that they may establish any number of branches.

Mr. TOWNER. Yes; that is the exact language of the law.

Mr. WINGO. I yield five minutes to the gentleman from South Carolina [Mr. STEVENSON].

Mr. STEVENSON. Mr. Speaker, I am not taking a position against this because I oppose the bill. I was one of the most enthusiastic supporters of this measure. I am opposed to it because this amendment of the Senate gives the Federal Farm Loan Board the right to attach Porto Rico to any land district it sees fit, anywhere in the United States, in the language of the gentleman from Iowa [Mr. TOWNER]. It not only does that, but it gives them the right, having first attached it to Springfield, then to attach it to Baltimore, and having left it there for a year, then to attach it to Columbia, and having left it there for a year, to attach it to the Pacific coast. The result is that when you come to determine where the liability is for the Porto Rican bonds, for the Porto Rican bank, you will need a committee to send for persons and papers to ascertain to what division it was attached when the bonds were issued. Now, if this House thinks that it should go to Springfield, which was the place stated in the hearings to be most convenient and suitable, and the bank that had the least business and therefore needed some extension, and which is the place where we fixed it, I am in favor of leaving it where this House fixed it, and have it determined once for all what bank is primarily liable for the bonds of that institution.

Something has been said about the liability. I think some gentlemen here need to know more about the farm loan act. When a man borrows a thousand dollars from a Federal land bank, he immediately out of that thousand dollars pays \$50 to the local association, of which he is a member, for stock therein. That \$50 is invested by that association in the stock of the Federal farm loan bank from which the loan is obtained. And when the man finishes paying his loan he gets his money back with which he is credited. Meanwhile he gets his part of the dividends on that stock credited on his interest account, and when he finishes paying his loan, the last thing that is done is to credit him on his loan with the \$50 which he has paid into the stock of the Federal farm loan bank. Now, you say that because the bank is liable to lose money it will not hurt the stockholders. It hurts the stockholder directly, and it lessens the investment he made in the stock of the bank. Whenever you render anything uncertain, as you render it uncertain by switching this bank from one place to another, you render the bonds less desirable in the power to do business

as it was done before. The beginning of the abdication of power in this Congress to determine what shall constitute the district in which these outlying provinces are to be embraced is the beginning of the turning over of autocratic power to the Federal Farm Loan Board and putting it where it will render uncertain and unsafe many of the investments in bonds, and it will depreciate the value of the stock of the owners in the farm-land system of this country.

Mr. BEE. Will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. BEE. What I have not been able to understand is the sanctity of this Springfield bank.

Mr. STEVENSON. The sanctity of the Springfield bank is shown in the hearings. It is shown there that the transportation trade and business relations was between Springfield and the district of Porto Rico, and that is why they ask to be put there. In addition to that, the smallest amount of business was being done by the Springfield bank, and it was the only one that had not attained the basis that it was supposed to, and therefore we placed it in this territory.

Mr. DEWALT. Have they a branch in either Hawaii or the Philippines?

Mr. STEVENSON. No; this was done by special statute, and when we do it we ought to say what bank it shall be attached to. This is an attempt to take it away from us and give it to the Farm Loan Board.

Mr. WINGO was recognized.

Mr. MOORE of Virginia. Before the gentleman begins his remarks I would like to have him give us the reason or the motive in making this change, and what is the object of the Senate committee amendments?

Mr. WINGO. I can not answer all of the question without violating the rules of the House. There is nothing very serious about it. I should not take the time of the House any further except for two reasons: First, to answer the error into which the gentleman from Iowa has fallen, and also to correct that error in the Record, because a great many people have the same erroneous idea.

I take issue with the gentleman from Iowa [Mr. TOWNER] with a great deal of diffidence, because I have great respect not alone for his character but also for his ability as a lawyer. The gentleman is in error about the stock liability, and if it were an ordinary statute I would not say it with so much seriousness, but I remember distinctly that my political fortunes were wound up in that question in one campaign and I made the fight of my life to keep out the very stock liability that is in the act.

What is it? Under the law local farm associations are formed. No man can get a loan unless he is a member of the local association. No man can belong to an association unless he is a stockholder and owns capital stock. The capital stock of the local associations is divided into \$5 shares. For every hundred dollars borrowed by a farmer he must own one share of stock. When he wants a loan from the farm loan bank his association has to subscribe to a like amount of stock of the Federal land bank.

Section 8 of the law provides:

Any person desiring to borrow on farm land mortgage through a national farm loan association shall make application for membership and shall subscribe for shares of stock in such farm loan association to an amount equal to 5 per cent of the face of the desired loan, said subscription to be paid in cash upon the granting of the loan.

Section 7 of the law provides:

Whenever any national farm loan association shall desire to secure for any member a loan on first mortgage from the Federal land bank of its district it shall subscribe for capital stock of said land bank to the amount of 5 per cent of such loan, such subscription to be paid in cash upon the granting of the loan by said land bank.

Section 9 of the law provides:

Shareholders of every national farm loan association shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of such association to the extent of the amount of stock owned by them at the par value thereof, in addition to the amount paid in and represented by their shares.

That is a customary stock liability which every lawyer will easily comprehend. What is the liability of the farm loan association to the land bank? It is identical. What is the liability of each of the Federal land banks? Section 21 provides:

Every Federal land bank issuing farm loan bonds shall be primarily liable therefor, and shall also be liable, upon presentation of farm loan bond coupons, for interest payments due upon any farm loan bonds issued by other Federal land banks and remaining unpaid in consequence of the default of such other land banks; and every such bank shall likewise be liable for such portion of the principal of farm loan bonds so issued as shall not be paid after the assets of any such other land banks shall have been liquidated and distributed: *Provided*, That such losses, if any, either of interest or of principal, shall be assessed by the Federal Farm Loan Board against solvent land banks liable therefor in proportion to the amount of farm loan bonds which each may have outstanding at the time of such assessment.

There can be no dispute about this stock liability, can there? It is so clear that it does not require a lawyer to see it. The point I make is this, that we are in error when we favor joining Porto Rico business to the United States. If Porto Rico business proves unprofitable, if there is a loss by the Federal loan bank that issues bonds and furnishes money for the loans in Porto Rico and the Federal land bank should default it could not fail; why? Because under the law the Federal Loan Board can call on every other Federal land bank in the proportion provided in the statute to make the losses good. Each land bank calls on its stockholders, the local associations, for their proportions of the liability, and the association calls on each of its stockholders, the farm borrowers, to make good the loss; so you see that in the last analysis each borrower is liable under the law to lose not only the amount paid in for his stock but also may be assessed in addition thereto in a like amount in order to make good losses.

So if you pass this law each land bank, and in turn each local association, and in turn each borrower, through stock liability is liable to the extent of 10 per cent of the amount of his loan if it became necessary to make good any loss in Porto Rico. Gentlemen tell me that that will not depress the market for farm loan bonds. Well, if investors still retain common horse sense at all it will. That is the thing against which I protest. In any event, this bill should go to conference.

The SPEAKER. The time of the gentleman from Arkansas has expired.

Mr. McFADDEN. Mr. Speaker, in answer to what was said by the gentleman from South Carolina [Mr. STEVENSON] there is nothing in this bill to indicate that the Springfield bank will not be designated. It simply gives the right to designate to the Farm Loan Board. I believe, as a matter of fact, that the Farm Loan Board intends to designate the Springfield bank, but it reserves to them the right to say which bank they shall designate.

I yield the remainder of my time to the gentleman from Iowa [Mr. TOWNER].

The SPEAKER. The gentleman from Iowa is recognized for three minutes.

Mr. TOWNER. Mr. Speaker, I have not been able to secure a copy of the law, but gentlemen will understand that under this system the farmers must first make an effective association among themselves before they can obtain their loans.

Mr. STEAGALL. Mr. Speaker, will the gentleman yield briefly?

Mr. TOWNER. Yes.

Mr. STEAGALL. That is true of the system as it operates in this country, but is it not true that under this bill loans are authorized to be made directly to the farmers?

Mr. TOWNER. Yes.

Mr. STEAGALL. The thing which this Congress without hesitation refused to allow in the original bill, as it applies to the farmers of this country?

Mr. TOWNER. Yes; but the only effect of that is to strengthen rather than to weaken it, for that reason. The guaranty fund then becomes effective for all the loans made in the island. The gentleman understands that the island is small; it is not much larger than our smallest States. It is different from the large region or section that is under the regional banks. A branch bank in Porto Rico can take care of all of the conditions that exist there. The guaranty which they must make in Porto Rico of 5 per cent will go to support all of the losses that may occur within the island of Porto Rico, and they are not liable for all losses, nor are we liable to them on account of losses made. The gentleman should understand that this guaranty has not anything whatever to do with the stock and bond question. The 5 per cent guaranty is made for the purpose of supporting or sustaining or guaranteeing against losses that are made in each particular association by reason of a failure to pay the loans when due.

Mr. STEVENSON. Suppose the association which puts that money right into stock of the farm loan banks loses its stock, how does it respond to its stockholders?

Mr. TOWNER. It has the money; it has the guaranty.

Mr. STEVENSON. But if it loses it, what becomes of it?

Mr. TOWNER. It can not lose it when it is deposited in the Federal banking system. That is the supporting point; that is the real guaranty against losses in the whole system.

Under the provisions of the farm loan act 10 or more farmers unite to form a farm loan association. They each make application for a farm loan, not more than \$10,000 and not less than \$100, and in the aggregate not more than \$20,000. Five per cent must be taken from each loan and placed with the land bank under whose jurisdiction the association is formed.

Stock is issued for this amount and held as collateral security for each and all of said loans. That is the manner in which the 5 per cent is held as a guaranty, and the guaranty does not extend beyond the loans in each particular association.

The SPEAKER. The time of the gentleman from Iowa has expired. The question is on the motion of the gentleman from Pennsylvania to concur in the Senate amendments.

The question was taken; and on a division (demanded by Mr. WINGO) there were—ayes 77, noes 35.

Mr. WINGO. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Arkansas makes the point of order that there is no quorum present. Evidently there is not. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. The question is on concurring in the Senate amendments.

The question was taken; and there were—yeas 214, nays 76, not voting 138, as follows:

## YEAS—214.

Ackerman	Elston	Langley	Robinson, N. C.
Almon	Emerson	Larsen	Robison, Ky.
Andrews, Md.	Esch	Layton	Rose
Andrews, Nebr.	Evans, Nebr.	Lea, Calif.	Sanders, Ind.
Ashbrook	Fairfield	Little	Sanders, N. Y.
Aswell	Ferris	Luce	Schall
Barbour	Fess	Lufkin	Scott
Bee	Flood	Luhning	Shreve
Begg	Focht	McArthur	Sinclair
Benson	Foster	McClintic	Sinnot
Black	Freeman	McDuffie	Smith, Idaho
Bland, Ind.	French	McFadden	Smith, Ill.
Bland, Va.	Fuller	McKeown	Smith, Mich.
Boles	Garrett	McLaughlin, Mich.	Snyder
Bowers	Glynn	McLaughlin, Nebr.	Stedman
Box	Goodwin, N. C.	McPherson	Steenerson
Brand	Goodall	MacGregor	Stephens, Ohio
Brinson	Goodykoontz	Magee	Stiness
Britten	Graham, Ill.	Mann, Ill.	Strong, Kans.
Brooks, Ill.	Green, Iowa	Mansfield	Strong, Pa.
Browne	Greene, Mass.	Mapes	Summers, Wash.
Buchanan	Greene, Vt.	Martin	Summers, Tex.
Burke	Griest	Merritt	Sweet
Burroughs	Griffin	Michener	Swindall
Butler	Hadley	Miller	Swope
Byrnes, S. C.	Hardy, Colo.	Monahan, Wis.	Taylor, Tenn.
Byrns, Tenn.	Haugen	Montague	Temple
Caldwell	Hawley	Moore, Ohio	Thompson
Campbell, Kans.	Hayden	Moore, Va.	Tilson
Carss	Hays	Murphy	Timberlake
Chindblom	Hernandez	Nelson, Wis.	Tincher
Christopherson	Hersey	Newton, Mo.	Towner
Cleary	Hersman	Nolan	Treadway
Coady	Hickey	Ogden	Upshaw
Cole	Hicks	Osborne	Valle
Cooper	Hoe	Overstreet	Voigt
Crago	Holland	Padgett	Volstead
Cramton	Hull, Iowa	Parker	Walsh
Crisp	Hull, Tenn.	Parrish	Walters
Currie, Mich.	Humphreys	Patterson	Ward
Curry, Calif.	Husted	Phelan	Wason
Dale	Hutchinson	Pou	Watson
Dallinger	Ireland	Purnell	Welling
Darrow	James, Va.	Radcliffe	Welty
Davis, Minn.	Johnson, Wash.	Raker	Whaley
Davis, Tenn.	Juul	Ramseyer	White, Me.
Dempsey	Kearns	Randall, Calif.	Williams
Denison	Keller	Randall, Wis.	Wilson, Pa.
Dickinson, Iowa	Kelly, Pa.	Ransley	Woods, Va.
Dowell	Kendall	Reed, N. Y.	Woodyard
Drewry	Kinkaid	Reed, W. Va.	Young, N. Dak.
Dyer	Klecza	Rhodes	Zihlman
Echols	Knutson	Ricketts	
Elliott	Lampert	Riddick	

## NAYS—76.

Babka	Gallivan	Leshner	Sabath
Barkley	Gard	Linthicum	Sherwood
Blanton	Hardy, Tex.	McAndrews	Sims
Bowling	Hastings	Major	Sisson
Briggs	Hoch	Mays	Smithwick
Cannon	Howard	Milligan	Steagall
Cantrill	Huddleston	Minahan, N. J.	Stephens, Miss.
Caraway	Hudspeth	Nelson, Mo.	Stevenson
Carew	Igoe	O'Connell	Stoll
Carter	Jacoway	Oldfield	Tague
Collier	Johnson, Ky.	Oliver	Taylor, Ark.
Connally	Johnson, Miss.	Park	Tillman
Cullen	Jones, Pa.	Pell	Venable
Dewalt	Jones, Tex.	Quin	Weaver
Dominick	Kincheloe	Ralney, Henry T.	White, Kans.
Drane	Kraus	Rayburn	Wilson, La.
Evans, Mont.	Lanham	Romjue	Wingo
Fields	Lankford	Rouse	Wright
Fisher	Lee, Ga.	Rucker	Young, Tex.

## NOT VOTING—138.

Anderson	Burdick	Dent	Edmonds
Anthony	Campbell, Pa.	Dickinson, Mo.	Ellsworth
Ayres	Candler	Donovan	Evans, Nev.
Bacharach	Casey	Dooling	Fish
Baer	Clark, Fla.	Doremus	Fordney
Bankhead	Clark, Mo.	Doughton	Frear
Bell	Classon	Dunbar	Gallagher
Benham	Copley	Dunn	Gandy
Bland, Mo.	Costello	Dupré	Ganly
Brooks, Pa.	Crowther	Eagan	Garner
Brumbaugh	Davey	Eagle	Goldfogle

Good	Lazaro	Newton, Minn.	Siegel
Goodwin, Ark.	Lehbach	Nicholls	Slomp
Gould	Longworth	O'Connor	Small
Graham, Pa.	McClulloch	Olney	Smith, N. Y.
Hamill	McClennon	Paige	Snell
Hamilton	McKenzie	Perlman	Steele
Harrel	McKiniry	Peters	Sullivan
Harrison	McKinley	Porter	Taylor, Colo.
Hill	McLane	Rainey, Ala.	Thomas
Houghton	McLeod	Rainey, John W.	Tinkham
Hulings	Madden	Ramsey	Vare
James, Mich.	Maher	Reavis	Vestal
Jeffers	Mann, S. C.	Reber	Vinson
Johnson, S. Dak.	Mason	Riordan	Volk
Johnston, N. Y.	Mead	Rodenberg	Watkins
Kahn	Mondell	Rogers	Webster
Kelley, Mich.	Moon	Rowan	Wheeler
Kennedy, Iowa	Mooney	Rowe	Wilson, Ill.
Kennedy, R. I.	Mooney	Rubey	Winslow
Kettner	Morris	Sanders, La.	Wise
Kless	Mott	Sanford	Wood, Ind.
King	Mudd	Scully	Yates
Kitchin	Neely	Sears	
Kreider		Sells	

So the motion to concur was agreed to.

The Clerk announced the following additional pairs:  
Until further notice:

Mr. LONGWORTH with Mr. BELL.  
Mr. SNELL with Mr. CLARK of Florida.  
Mr. ANTHONY with Mr. GANDY.  
Mr. YATES with Mr. DOUGHTON.  
Mr. WOOD of Indiana with Mr. MCKINIRY.  
Mr. FORDNEY with Mr. HAMILL.  
Mr. SLEMP with Mr. DICKINSON of Missouri.  
Mr. HAMILTON with Mr. GOLDFOGLE.  
Mr. RODENBERG with Mr. SANDERS of Louisiana.  
Mr. MASON with Mr. STEELE.  
Mr. ROWE with Mr. MOONEY.  
Mr. VESTAL with Mr. ROWAN.  
Mr. GOOD with Mr. JOHN W. RAINEY.  
Mr. FISH with Mr. VINSON.  
Mr. HARRELD with Mr. KETTNER.  
Mr. FREAR with Mr. HARRISON.  
Mr. JAMES of Michigan with Mr. EAGLE.  
Mr. LEHLBACH with Mr. SMALL.  
Mr. MOTT with Mr. EVANS of Nevada.  
Mr. JOHNSON of South Dakota with Mr. WISE.  
Mr. JEFFERIS with Mr. SCULLY.  
Mr. KING with Mr. DONOVAN.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. McARTHUR). A quorum is present. The Doorkeeper will open the doors.

On motion of Mr. McFADDEN, a motion to reconsider the vote by which the Senate amendments were concurred in was laid on the table.

#### RESTRICTION OF IMMIGRATION.

Mr. JOHNSON of Washington. Mr. Speaker—

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. JOHNSON of Washington. Mr. Speaker, I desire to present a conference report on the disagreement to the amendments of the Senate to the bill H. R. 14461, to be printed under the rule.

The SPEAKER pro tempore. The gentleman from Washington presents a conference report which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 14461) to provide for the protection of citizens of the United States by temporary suspension of immigration, and for other purposes.

The SPEAKER pro tempore. Ordered printed under the rule.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 11945. An act for the relief of W. C. Stewart;  
H. R. 12005. An act for the relief of Henry P. Corbin; and  
H. R. 15836. An act to amend the transportation act, 1920.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 2508. An act to appropriate \$5,000,000 for the purchase of seed grain to be supplied to farmers in the drought-stricken areas of the United States, said amount to be expended under rules and regulations prescribed by the Secretary of Agriculture; and  
S. 3695. An act for the relief of the Stevens Institute of Technology, of Hoboken, N. J.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 4683. An act to amend section 11 (m) of the act approved December 23, 1913, known as the Federal reserve act, as amended by the acts approved September 7, 1916, and March 3, 1919; and

S. 4897. An act to amend section 9 of an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, as amended.

The message also announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 12634. An act for the relief of Wilhelm Alexanderson; and

H. R. 11572. An act for the relief of the John E. Moore Co.

The message also announced that Mr. HITCHCOCK had been excused on his own request from further service as a conferee on the bill (H. R. 15872) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1922, and Mr. SWANSON had been appointed in his place.

The message also announced that the Senate had passed with amendments joint resolution (H. J. Res. 346) extending the time for payment of purchase money on homestead entries in the former Standing Rock Indian Reservation, in the States of North and South Dakota, in which the concurrence of the House of Representatives was requested.

#### ENROLLED BILL SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 15836. An act to amend the transportation act, 1920.

#### SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 2508. An act to appropriate \$5,000,000 for the purchase of seed grain to be supplied to farmers in the drought-stricken areas of the United States, said amount to be expended under rules and regulations prescribed by the Secretary of Agriculture; to the Committee on Appropriations.

#### MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message in writing was received from the President of the United States, by Mr. Sharkey, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On February 21, 1921:

H. R. 14311. An act to authorize the improvement of Red Lake and Red Lake River, in the State of Minnesota, for navigation, drainage, and flood-control purposes; and

H. R. 12157. An act to amend an act of Congress approved June 30, 1913.

On February 22, 1921:

H. R. 15271. An act granting the consent of Congress to the Majestic Collieries Co. to construct a bridge across the Tug Fork of Big Sandy River, at or near Cedar, in Mingo County, W. Va., to the Kentucky side, in Pike County, Ky.;

H. R. 15750. An act to authorize the construction of a bridge across the Little Calumet River, in Cook County, State of Illinois, at or near the village of Burnham, in said county;

H. R. 13606. An act granting the consent of Congress to the city of St. Paul, Minn., to construct a bridge across the Mississippi River;

H. R. 15131. An act to authorize the construction of a bridge across the Hudson River between the city of Troy, in the county of Rensselaer, and the city of Cohoes, in the county of Albany, State of New York;

H. R. 15011. An act authorizing the Secretary of the Interior to offer for sale remainder of the coal and asphalt deposits in segregated mineral land in the Choctaw and Chickasaw Nations, State of Oklahoma; and

H. R. 15130. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1922, and for other purposes.

#### POST OFFICE APPROPRIATION BILL.

Mr. MADDEN. Mr. Speaker, I desire to present a conference report on the Post Office appropriation bill for printing under the rule.

The SPEAKER pro tempore. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 15441) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1922, and for other purposes.

The SPEAKER pro tempore. Ordered printed under the rule.

## IMMIGRATION.

Mr. SABATH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SABATH. The gentleman from Washington, the chairman of the Committee on Immigration, has just handed in a conference report, and I desire to make this inquiry: The House conferees have adopted a new bill in place of the bill which passed the House. I understand it will be treated as an amendment notwithstanding it is a new bill, and that the Senate bill has several sections. Now, I desire to know, will we have the right in the House, when the conference report is called up, to secure a separate vote on the different sections, or will it be treated as one amendment?

The SPEAKER pro tempore. The question will be upon agreeing to the conference report.

Mr. SABATH. Under the rules will we be precluded from asking for a separate vote on the different sections?

Mr. JOHNSON of Washington. If the gentleman will permit, the conference report is an amendment to the Senate amendment and naturally goes as one amendment, to be adopted by the House and voted up or down.

Mr. SABATH. The entire bill?

Mr. JOHNSON of Washington. I think so.

## INDIAN APPROPRIATION BILL.

Mr. ELSTON. Mr. Speaker, I call up the conference report on the Indian appropriation bill in order to proceed further in the consideration of the Senate amendments submitted in that report.

The SPEAKER. The Clerk will report the first amendment.

The Clerk read as follows:

Page 42, line 10, strike out "\$109,600" and insert in lieu thereof "\$184,600."

Mr. ELSTON. Mr. Speaker, I move that the House insist on its disagreement to the Senate amendment. This will merely restore the House total which the Senate increased by reason of the amendment which was voted down by the House on Saturday.

The question was taken, and the motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 49, at the top of the page, insert:

"That the provision in the Indian appropriation act for the fiscal year ending June 30, 1921, authorizing the expenditure of not exceeding \$50,000 from unexpended Osage tribal funds heretofore appropriated for construction of a fireproof office building for Osage Agency is hereby amended to provide that not exceeding \$100,000 of such unexpended Osage tribal funds may be used in the construction of such fireproof building, including the removal of the present office building and rearrangement of the interior of same for employees' quarters, said amount to be immediately available."

Mr. ELSTON. Mr. Speaker, I move that the House recede and concur in this amendment. This amendment increases by \$50,000 the amount which the House allowed for the construction of the office building for the Osage Indians. The increase is necessary to complete the building and it will come out of the tribal funds and not from the Treasury of the United States.

Mr. SNYDER. Mr. Speaker, I rise to ask the gentleman if he has made any investigation to be able to say that he knows that this additional amount is required?

Mr. ELSTON. Hearings were had before the subcommittee of the House, and they tended to show that \$100,000 was absolutely needed. It appears, however, that the limit of cost had previously been fixed by act of Congress at \$50,000, and it seemed advisable, by reason of the limited jurisdiction of the appropriation subcommittee, to leave the item out of the bill. The Senate had hearings, and it appears that the preparations for building were completed to such a stage that \$100,000 would be needed.

Mr. SNYDER. The gentleman recalls that when the committee visited the Osage Agency last year there was no evidence anywhere that any building had been started for that purpose. If it has commenced, it must have commenced since then. While I have no particular objection to the increase of this item, due to the fact that there is a tremendous business activity there to be handled, and the quarters they were operating in were really very inadequate, in my judgment, this is an item like all the others—legislation—and should have been thoroughly investigated before this action was taken. I do not propose to offer any serious objection to its going through, but I am calling attention again to the fact that this is an increase of appropriation without proper investigation on the part of anyone.

The SPEAKER. The gentleman from California moves to recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 4, after line 22, insert: "That the provisions contained in the Indian appropriation act approved March 2, 1917 (39 Stat. L. 983), authorizing the use of \$5,000 of Osage tribal funds for appraisement of lands in Osage County, Okla., for the purpose of adjustment and settlement of claims for or on behalf of any Osage Indian with respect to assessments theretofore or thereafter made, is hereby amended to provide that an additional sum of not exceeding \$17,500 is hereby appropriated from Osage tribal funds for the purpose of employing expert accountants, clerks, and special attorneys, under the direction of the Department of Justice, in pending suits in the Federal courts on behalf of Osage Indians in connection with such assessments, such amounts, or so much thereof as may be necessary, to be expended in the discretion of the Secretary of the Interior."

Mr. ELSTON. Mr. Speaker, I move that the House recede and concur in this amendment; and I yield two minutes to the gentleman from Oklahoma [Mr. HASTINGS].

Mr. HASTINGS. Mr. Speaker, if I may have the attention of the House, let me say that the surplus lands of the Osage Indians are taxable. It was contended by the members of the Osage Tribe that their lands were assessed too high some three or four years ago. A suit was brought in the Federal court in Oklahoma and carried to the Supreme Court of the United States, and the Supreme Court upheld the contention of the Osages to the effect that the lands were assessed too high. But they are taxable. Now, this amendment is for the purpose of allowing an additional amount of money out of the Osage funds to insure a correct assessment, or to employ accountants and others to see that correct and fair assessments are made. And I want to say that after this amendment was placed on this bill, which, I understand, was at the suggestion of the Interior Department, as a Senate amendment, the chief of the Osages, with certain members of his council, who are here in the city, together with the attorney for the Osage Tribe and with other prominent members of the Osage Tribe, came to us and insisted that this was a proper amendment, payable out of the Osage funds, and that it ought to be allowed. And for that reason the motion was made to recede and concur in the amendment.

Mr. SNYDER. Mr. Speaker, it seems to be the policy that, inasmuch as the Osages have plenty of money and plenty of opportunity to get more, anything that is suggested that will spend more of their money is perfectly right to place in these various items.

Now, what the gentleman said is undoubtedly true. It may be so. But to my mind this is just a contention of increasing the amount of work that people can be employed in.

Mr. HASTINGS. Will the gentleman yield? The purpose of this amendment is to save them money.

Mr. SNYDER. I know. That is the proposition that is brought to all committees for the purpose of increasing appropriations, and increase the number of people on the pay roll. Now, this may be all right, but I do not know anything about it. I have had no opportunity to investigate it. No member upon the legislative committee has had any opportunity to investigate it, either, and therefore I am opposed to it. I do not think it is a proper item to be in this bill.

Mr. HASTINGS. If the gentleman will yield for a moment further, let me say that the amount the Osages would have to pay if they had not brought this to the Supreme Court was a very large amount. It ran up toward \$100,000. I do not have in mind now the exact figures, but this is to correct that excessive assessment and to have it reduced. It is in the interest of the Osages, and they want it.

Mr. SNYDER. What I want to get before the membership of this House is the very statement I made in the beginning, that because the Osages have money very little care is being used with the expenditure of that money so far as it can be used to increase buildings and size of equipment, so that more people can be employed to use their money. That is exactly what this item is intended to do here.

Mr. HOWARD. I want to say that this matter grew out of the fact that there is a contention between Osage County and the tribe as to these valuations. The county has already made arrangements to hire experts to make a survey, and so the Indians think it necessary to be made on their behalf.

Mr. SNYDER. This is the usual thing. You will notice these Osage items here doubled over last year, because the appropriation that was made last year was not used, with the understanding that they would come this year and get another appropriation and increase the old one and go ahead. And next year they will come in for another for the same purpose, not having spent any of the money so far appropriated.

Mr. HASTINGS. I will say to the gentleman from New York that we did not allow a single dollar except what the Osages themselves asked for.

Mr. SNYDER. The gentleman knows the Osage Council comes down here, and anything that the Interior Department wants is a very simple matter to get the Osages to agree to.

Mr. ELSTON. Mr. Speaker, this item has been explained as an item necessary for the Osages and their benefit. I ask for a vote.

The SPEAKER. The question is on the motion of the gentleman to recede and concur.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment. The Clerk read as follows:

Amendment 92, page 46, line 21, insert: "For dining hall and equipment, \$40,000."

Mr. ELSTON. Mr. Speaker, I move that the House recede and concur in this amendment. And I yield five minutes to the gentleman from Oklahoma [Mr. HASTINGS].

Mr. HASTINGS. Mr. Speaker, this is for a dining hall and equipment for the Cherokee Training School. This is the only school of the kind in the United States, so far as I know. It is for the orphan Indian children. The original building was erected in 1875, having a capacity of some 65 or 70. I refer to the dining-room capacity and the dormitory capacity. Some 10 years ago the Government of the United States bought this plant and property. Since that time an additional dormitory has been built, which increased the capacity of this school from 65 to 70, so that last year it had a reported capacity of 155. Since then, Mr. Speaker and gentlemen of the House, another dormitory has been provided, for which a foundation has been built, payable out of the remaining funds of the Cherokee Nation, amounting to about \$63,000. When the dormitory now in the course of construction is erected the capacity of this school will be about 250. This will be completed by September, 1921. Now, we have a dining-room capacity, as I say, of about 60 or 70, so that when this new dormitory now in the course of construction is completed there will be about 250 in this school, with the dining-room capacity of only 60 or 70. Hence, there is very urgent need for this additional dining room at this school.

Mr. ELSTON. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on the motion to recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment. The Clerk read as follows:

Amendment No. 93: On page 46, line 22, strike out "\$53,000" and insert in lieu thereof "\$93,000."

Mr. ELSTON. Mr. Speaker, I move that the House recede and concur in this amendment. It merely corrects the total to correspond with the additional amount.

The SPEAKER. The question is on the motion to recede and concur.

The motion was agreed to.

The SPEAKER. The Clerk will report the next one.

The Clerk read as follows:

Amendment No. 94: Page 50, line 8, insert "for heating plant, \$40,000; for boys' dormitory, \$70,000."

Mr. ELSTON. Mr. Speaker, I move that the House recede from its disagreement to the Senate amendment and agree with an amendment which I send to the Clerk's desk.

The SPEAKER. The gentleman from California moves that the House recede and concur with an amendment which the Clerk will report.

The Clerk read as follows:

Mr. ELSTON moves that the House recede from its disagreement to Senate amendment 94, and agree to the same with the following amendment: In lieu of the matter inserted by said amendment insert the following: "for heating plant, \$40,000."

Mr. ELSTON. Mr. Speaker, I yield to the gentleman from Oregon [Mr. HAWLEY].

The SPEAKER. The gentleman from Oregon is recognized for five minutes.

Mr. HAWLEY. Mr. Speaker, I regret that the committee of conference did not see its way clear to agree to both of these items. But the one they have agreed to recommend favorably is of the utmost importance to this school.

This heating plant was installed many years ago, when the number of buildings to be heated was much fewer than now. It has done good service in its time, but it is now worn out by long use. I know of my own personal knowledge that the heating plant should be replaced, because I have been at the school during the inclement portion of the year, in the early spring, and the rooms where the children were studying and the dormitories and classrooms were all too cold for comfort, and too cold for the children to live in.

Mr. ELSTON. Mr. Speaker, I move that the House concur with the amendment.

The SPEAKER. The question is on agreeing to the motion of the gentleman from California to recede and concur with the amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment. The Clerk read as follows:

Amendment No. 95: Page 50, line 9, strike out "\$147,400" and insert in lieu thereof "\$257,400."

Mr. ELSTON. Mr. Speaker, I move that the House recede and agree to the same with the amendment which I send to the Clerk's desk.

The SPEAKER. The Clerk will report.

The Clerk read as follows:

Mr. ELSTON moves that the House recede from its disagreement to Senate amendment No. 95 and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "\$187,400."

Mr. ELSTON. Mr. Speaker, this merely corrects the total, to correspond with the item stricken out and the additional items which have been placed in, which would decrease the Senate total and increase the House total.

The SPEAKER. The question is on the motion of the gentleman from California to recede and concur with an amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 101, page 52, after line 21, insert "Texas": "For support of Alabama and Coushatta Indians in Polk County, Tex., \$5,000."

Mr. ELSTON. Mr. Speaker, I move that the House recede from its disagreement to this amendment and concur. I yield five minutes to the gentleman from Texas [Mr. BRIGGS].

Mr. BRIGGS. Mr. Speaker, this is a band of Indians in my State and district, numbering about 213. They are Alabama Indians who moved to Texas at a very early date. They are practically a deserving band, and particularly in need of some help at this time, and I hope that the amendment will be adopted. I reserve the balance of my time.

The SPEAKER. The question is on the motion to recede and concur.

Mr. ELSTON. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. SNYDER].

Mr. SNYDER. Mr. Speaker, this is the most indefensible amendment in the bill. Here it is proposed to pick up a band of Indians who have no possible claim upon anybody, possibly, outside of the State of Texas. During the six years that I have been connected with Indian affairs periodically this item has been brought to the committee by one or two Members from the State of Texas. There is absolutely no justification for it, except that the United States is asked to start out and take over bands that have no call upon it whatever, bands that have been released for more than a hundred years. That is true of this band of Indians in Polk County, Tex. They are as well off in many instances as many of the Indians are in other sections of the country now.

Mr. CARTER. Mr. Speaker, will the gentleman yield?

Mr. SNYDER. Certainly.

Mr. CARTER. Do not these Indians have lands themselves?

Mr. SNYDER. They have.

Mr. CARTER. And has not the State of Texas already appropriated money for them?

Mr. SNYDER. Yes.

Mr. CARTER. How much of an appropriation has been made for these Indians, if the gentleman knows? How much is it expected they will spend for them with this \$5,000, which is nothing else than a camouflage for charity?

Mr. SNYDER. The gentleman has it right. A few years ago, through the energy of some Members from Florida, we took on a band of Seminoles, and we are now regularly appropriating for those Indians, who have been discharged from the Government for over a hundred years. Now they come here with a proposition from the State of Texas. If there is one thing in this bill that is unjustifiable and that ought to go out, and that would not be here except by this amendment and which could not get into the Indian bill by any other method, it is this; and if the membership of this House has any confidence at all in its Committee on Indian Affairs it ought to go out by a vote.

Mr. ELSTON. I yield two minutes to the gentleman from Texas [Mr. BRIGGS].

Mr. BRIGGS. Mr. Speaker, about two years ago Congress appropriated \$5,000 to build a school for these Indians. Therefore this is not the first effort which has been made on their behalf. That school is about to be started for these Indians by the Indian Bureau. They are a band known as one of the lost tribes. They have never had any of the gratuities of the

Government. The Bureau of Indian Affairs have recommended them as particularly deserving, and have recommended an appropriation of something like \$120,000 for them.

Mr. SNYDER. Will the gentleman point out to the House anywhere in any printed record where anything has been recommended for these Indians by the Indian Bureau?

Mr. BRIGGS. Certainly.

Mr. SNYDER. I mean anything besides the school.

Mr. BRIGGS. In 1918, in the hearings on the Indian appropriation bill, the recommendation was made strongly in behalf of these Indians not only by the Indian Commissioner but by the investigator who went down there and made a personal investigation and a long detailed report about these Indians.

Mr. SNYDER. The gentleman will not find anything in the Indian appropriation bill except for that school.

Mr. BRIGGS. As a result of that investigation the Commissioner of Indian Affairs urged three things. He urged that they be given an appropriation for education, that they be given stock and agricultural equipment, and that they be given an appropriation for the purchase of additional land to give them an opportunity to earn their livelihood, and a better opportunity for developing and sustaining themselves. There is no request in this bill for any land. It simply asks a small appropriation of \$5,000 to give these Indians an opportunity to help sustain themselves.

Mr. WALSH. Does the State of Texas appropriate anything for these Indians?

Mr. BRIGGS. The State of Texas gave them about 1,100 acres of land.

Mr. WALSH. Does it appropriate anything for their support?

Mr. BRIGGS. I think the State of Texas has made a small appropriation for them.

Mr. WALSH. And this is simply to transfer that burden to the Federal Treasury.

Mr. BRIGGS. No, sir; it is not.

Mr. WALSH. Does the gentleman think we should make an appropriation to buy upright pianos for them?

Mr. BRIGGS. They are not asking for pianos, but for a school, which this Government is constructing, and for which provision has been made, and for an opportunity to get instruction to support and sustain themselves.

Mr. ELSTON. I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN of Illinois. Mr. Speaker, I have always been under the apprehension that one of the main reasons why the Government appropriated money for the support of the Indians was because in the course of the progress of civilization the whites had taken away from the Indians the lands which the Indians formerly owned. Of course, that is not true of lands in the State of Texas, so far as the General Government is concerned. We never took any lands away from the Indians in Texas. The General Government has never owned any lands in Texas. I do not know just what the plea is here why we should now contribute to the support of these Indians, when the State of Texas has taken the land away from them. Of course, everywhere else in the United States, in one way or another, we have deprived the Indians of their lands.

Mr. BRIGGS. Will the gentleman yield?

Mr. MANN of Illinois. Yes.

Mr. BRIGGS. These Indians are not really Texas Indians. They are Alabama Indians. They migrated from Alabama to Louisiana in the early part of the nineteenth century, and from Louisiana they first came into Texas about 1816, then moved away in 1836 and returned in about three or four years later.

Mr. MANN of Illinois. Then the gentleman's theory is that these Indians having voluntarily moved away from Alabama, we should pay them for the land which they voluntarily moved away from?

Mr. BRIGGS. No; they have been recognized as one of the lost tribes. The Indian Bureau called special attention to that.

Mr. MANN of Illinois. They certainly have been lost, as far as I was concerned.

Mr. BRIGGS. The United States Government has never done anything for these Indians except to make a small appropriation for this school building.

Mr. MANN of Illinois. I suppose next we will have a request to appropriate money for the Indians in Massachusetts and in Maine.

Mr. DEMPSEY. How about the Tammany Tribe? [Laughter.]

Mr. BRIGGS. These Indians are not like other Indians in the United States who have been receiving the bounty of the Government for years and years.

Mr. MANN of Illinois. What we propose to do by this is to make paupers out of Indians who could be self-supporting.

Mr. BRIGGS. On the contrary, if the gentleman will allow me, I propose to offer an amendment to add after the word "support" the words "and education." The purpose is to obtain some education for these Indians along industrial lines in connection with the Government school which is being erected there.

Mr. MANN of Illinois. After all, that is what it comes to. They have their land now.

Mr. BRIGGS. They have 1,100 acres which the State of Texas gave them.

Mr. MANN of Illinois. I say they have their land now.

Mr. BRIGGS. But the land is so poor that they can not make a living on it; and without being instructed in more intensive cultivation they have no chance whatever of increasing the present meager yield from the soil. What is most needed is more land.

Mr. MANN of Illinois. That is a reflection on the State of Texas. I am sure the gentleman would not want to reflect on his own State.

Mr. BRIGGS. I do not think it reflects on the State of Texas. It simply reflects on the fact that the Indians have not had the aid and instruction from the Federal Government that other Indians have had. It was stated in these hearings by the present chairman of the Indian Committee [Mr. SNYDER] that the Indians ought to be given an opportunity to learn how to develop this land more intensively before additional land is given them.

Mr. MANN of Illinois. It all comes back to the proposition that we have got to support the Indians when we have taken their land away from them, and in this case they are Texas Indians. All the ones that are alive there now, I suppose, were born in Texas. Texas had all the public lands in that State, but it wants Uncle Sam now to bear the burden of caring for these Indians.

Mr. BRIGGS. Texas only wants the United States to do its part. These Indians came from Alabama and other States. The State of Texas ought not to be charged with their support any more than any other State is charged with the support of the Indians within their borders.

Mr. CARTER. Mr. Speaker, this is a remnant of what once was one of the most warlike tribes of Indians in the Southern States. They were called originally Alabama Indians, and were a part of the ferocious aborigines encountered by De Soto during the bloody carnage enacted at the Battle of Mabila near the present site of the city of Mobile, Ala. Originally they must have been a part of the Choctaw Tribe, because they speak a very similar language. After the States of Alabama and Mississippi began to settle up with whites they moved on to Louisiana, and from there finally to Texas. Reaching Texas at an early day when land was cheap the State of Texas generously set aside a tract of land for them which, I think, was finally reduced to about 1,100 acres. Since that time they have been living on the land and subsisting as best they could, getting along perhaps not as well as a great many people of that splendid State, but existing nevertheless as self-supporting Indians.

Now, I think my friend from Texas makes a most serious mistake when he takes a self-supporting man with all the liberties he gets as a United States citizen and undertakes to place him under the tutelage of the Federal Government or the Indian Bureau, thereby destroying his initiative, impairing his integrity, and placing him in a position where he will be a perpetual charge of the Federal Government.

Mr. BRIGGS. Let me say to the gentleman that the Commissioner of Indian Affairs states that that is exactly what the Indian Bureau does not want to do—to take charge of them. They will furnish a teacher and some supervision and direction of the proposed instruction, but the Indians will not be put under the control of the Federal Government. These Indians bear an excellent reputation for industry, peacefulness, and uprightness of character.

Mr. CARTER. The language of the amendment says "for support of the Alabama and Coushatta Indians." How is the Government, the Secretary, the Indian Bureau, or any other agency to support them unless it takes charge of them? I have as much sympathy for the advancement of the Indians as any man in the country; I have as much sympathy with the education and development of the Indians as any man; I have as much sympathy with his comfort and his welfare; but I also have some sympathy with his manhood, therefore I do not be-

lieve that this appropriation, putting these people under paternalistic control when they have shown that they are able to sustain themselves, will be a good thing for these Indians.

Mr. BRIGGS. Will the gentleman yield?

Mr. CARTER. Yes.

Mr. BRIGGS. I want to say that the purpose of this appropriation is to give these Indians some instruction and education in connection with the Government school which the Government has provided. This provision ought to be amended, and the word "education" substituted for the word "support" as used by the Senate, and I shall offer that amendment, and I hope the Chairman and House will accept it.

Mr. CARTER. Oh, if the item had read "for the education of the Coshatta Indians" it might not be necessary to vote on it in this way, because it would not have been subject to a point of order under the rules of the House, for the law authorizes the education of the Indians, but the only thing that we can be guided by is the language of the amendment itself, and again, this item reads "for the support of the Coshatta Indians." I am afraid that in his zeal to help these people the gentleman from Texas is making a very serious mistake when he undertakes to place self-supporting Indians under the control of and on the support of the Government.

Mr. BRIGGS. I have no objection to substituting the word "education" for "support," and have stated it was desired to use the money for instruction so that the Indians might be taught vocational agriculture and given industrial training.

Mr. WALSH. Is there any State law or anything in the constitution of Texas that prevents the State from making an appropriation to take care of these Indians?

Mr. CARTER. As a matter of fact, Texas has been furnishing for years a specified amount for their education and turning it over to the school district comprised by this little reservation.

Mr. RAYBURN. Is there any law in any State that prevents a State from educating the Indians?

Mr. CARTER. Indeed there is not, and our own State, Oklahoma, appropriates and spends thousands of dollars every year for the education of Indian children.

Mr. BRIGGS. Mr. Speaker, I offer an amendment to strike out the word "support" and substitute the word "education."

Mr. ELSTON. I have no objection to that.

Mr. WALSH. Let the amendment be reported. I want to make a point of order.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the word "support," line 24 of the printed bill, and insert in lieu thereof the word "education."

Mr. BRIGGS. Mr. Speaker, I move to recede and concur with the amendment that the Clerk has just read.

The SPEAKER. The question is on the motion to recede and concur with the amendment.

The question was taken; and on a division (demanded by Mr. WALSH) there were 71 ayes and 21 noes.

So the motion to recede and concur with an amendment was agreed to.

The SPEAKER. The Clerk will read the next amendment.

The Clerk read as follows:

For the aid of the public schools in Uintah and Duchesne County school districts, Utah, \$12,000, to be expended under such rules and regulations as may be prescribed by the Secretary of the Interior: *Provided*, That Indian children shall at all times be admitted to such schools on an entire equality with white children.

Mr. ELSTON. Mr. Speaker, I move that the House recede from its disagreement to the Senate amendment and concur in the same with an amendment which I send to the Clerk's desk. The Clerk read as follows:

Mr. ELSTON moves that the House recede from its disagreement to Senate amendment No. 102 and concur in the same with the following amendment: In line 2 of the matter inserted by said amendment, strike out "\$12,000" and insert in lieu thereof "\$6,000."

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. ELSTON. Yes.

Mr. CHINDBLOM. Is this money to be used for the maintenance of schools which are open to the white children and to the citizens of Utah, so that we are in fact in an Indian appropriation bill contributing to the maintenance of schools in the State of Utah, part of which may be used for the education of Indians?

Mr. ELSTON. The situation is quite different. This is a school that is maintained by the white settlers. It was built by the white settlers and they are paying all of its expenses. It is situated in the heart of the Indian country, and all of the Indian children are privileged to attend the school and do attend the school in almost equal numbers with the white children. The Indians are contributing nothing to the school. The whites are paying all of it.

Mr. CHINDBLOM. And what is the total expenses of schools in this district?

Mr. ELSTON. Mr. Speaker, I yield two minutes to the gentleman from Utah [Mr. WELLING].

Mr. WELLING. Mr. Speaker, I am not able to say what the total expenses of schools in this complete district are. All of the schools in the county are consolidated into one school district, and this is one school of a number of schools in the county. The total would approximate perhaps \$50,000 a year.

Mr. CHINDBLOM. What proportion of the population is Indian?

Mr. WELLING. In this particular school?

Mr. CHINDBLOM. Yes.

Mr. WELLING. I should say at least 50 per cent of the population that attend this particular school are Indians.

Mr. CHINDBLOM. And the expense of the school is \$50,000?

Mr. WELLING. No; the expense of all of the schools in the entire district, which includes the whole county unit.

Mr. CHINDBLOM. What I am trying to get at is whether the \$6,000 proposed as an amendment is a fair amount in the proportion which the number of Indian children bears to the total number of children attending that school.

Mr. WELLING. In my judgment it is not fair. The appropriation since I have been in the House has been \$12,000, but it has been reduced to \$6,000, and I am quite willing to accept the responsibility for the State to maintain the rest of the cost of this school.

Mr. BEE. Mr. Speaker, will the gentleman yield?

Mr. WELLING. Yes.

Mr. BEE. Are these Indians wards of the Nation?

Mr. WELLING. Absolutely.

Mr. BEE. They are not now contributing anything to this education, but it is all maintained by the white citizens of Utah?

Mr. WELLING. The Indians have not contributed a cent of taxes, never have.

Mr. BEE. And this proposed amendment contributes on the part of the Government its share to the education of its own wards.

Mr. WELLING. Yes; and it has sought to do that in the past.

Mr. SNYDER. Mr. Speaker, will the gentleman yield?

Mr. WELLING. Yes.

Mr. SNYDER. Can the gentleman tell us how many Indians there are attending this school now.

Mr. WELLING. There are on this reservation—

Mr. SNYDER. I am speaking about this school.

Mr. WELLING. I know. There are on this reservation about 1,080 Indians and I can not say how many children there are in the school.

Mr. SNYDER. It is a fact that this is a white school, is it not?

Mr. WELLING. It is a fact that it was built by the white people living there.

Mr. SNYDER. It is largely for the children of the employees of the Indian Service?

Mr. WELLING. That is true.

Mr. SNYDER. So it is not an Indian school at all, and that is about the size of it.

Mr. WELLING. I take issue with that. The Indian children are there with the white children.

Mr. SNYDER. I do not know why the United States should furnish schools for Utah or Texas or any other State where the burden should be wholly on the State.

Mr. CARTER. Mr. Speaker, will the gentleman yield?

Mr. WELLING. Yes.

Mr. CARTER. Are these Indians United States citizens?

Mr. WELLING. They are not.

The SPEAKER. The time of the gentleman from Utah has expired.

Mr. ELSTON. Mr. Speaker, I yield two minutes more to the gentleman.

Mr. CARTER. Are these schools supported by taxes or by subscription?

Mr. WELLING. They are supported by State taxes.

Mr. CARTER. State and county taxes upon the property within the school district, the same as other schools?

Mr. WELLING. Yes; but I will say this, that 90 per cent of the property in this school district is either public land or lands belonging to these Indians, and the remaining 10 per cent of land in the entire county is levied upon to maintain the total school system, and it is an intolerable burden upon the county.

Mr. CARTER. Are not most of the white children in these schools children of employees of the agency?

Mr. WELLING. They are.

Mr. SNYDER. I would have no objection to this if this were an Indian school, but it is not.

Mr. BEE. Let me say to the gentleman from New York this: He says he does not want the United States educating the children of Utah or of Texas. That statement is not fair.

Mr. SNYDER. I qualify that by saying that the United States Government ought not to take the burden of a State to instruct and educate the people of a State for whose education the State is responsible.

Mr. BEE. The United States Government ought not to put upon the people of a State the burden of educating the wards of the people of the United States, and that is what you are doing here.

Mr. SNYDER. This particular project that we are talking about is not an Indian school.

Mr. BEE. But Indian children are going to it and getting the benefit without contributing anything. It is the same as the Texas proposition.

Mr. ELSTON. Mr. Speaker, I move the previous question on the motion to recede and concur with an amendment.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the motion to recede and concur with an amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment. The Clerk read as follows:

Page 54, line 24, insert:

"That the Secretary of the Interior is authorized to convey to the State of Utah all the right, title, and interest which the United States has in and to the bridge across the Duchesne River near the town of Myton, and to convey to the county of Duchesne, in said State, the bridge across the Duchesne River near the town of Duchesne, which said bridges were constructed with appropriations contained in the acts of August 5, 1909 (36 Stat. L., 124), and March 3, 1911 (36 Stat. L., 1074): *Provided*, That the State of Utah and county of Duchesne consent to this arrangement and agree to at all times in the future maintain, repair, and keep in good condition said bridges free from all expense to the United States or the Indians of the Uintah and Ouray Reservation in Utah."

Mr. ELSTON. Mr. Speaker, I move that the House recede and concur in this amendment.

This bridge was constructed across the Duchesne River near the town of Myton, Utah, from an appropriation of \$25,000 made by the act of August 5, 1909 (36 Stat. L., 124), which bridge is now a part of the State highway system through the former Uintah and Ouray Reservations, and is used but very little by the Indians, being used principally for the benefit of the white people. A similar bridge was constructed several years later across the said river near the town of Duchesne from an appropriation of \$15,000 in the act of March 3, 1911 (36 Stat. L., 1074), which is not a part of the State highway system, but is really a county bridge, and is also used but very little by the Indians.

The Indian Service has been put to some expense in the past for the repair and upkeep of the above bridges, which the limited use made thereof by the Indians does not longer justify. It is, therefore, deemed advisable to turn these bridges over to the State and county, respectively, on condition that the said State and county shall at all times maintain and keep the said bridges in repair without expense to the United States. The State highway commission of Utah has already expressed its willingness to take over the Myton Bridge on the conditions mentioned, and efforts are now being made to have the county take similar action with respect to the Duchesne Bridge.

Mr. Speaker, this is briefly the substance of the justification furnished me by the Indian Bureau, indicating that the United States Government and the Indian moneys are charged for the upkeep and repair of this bridge. It is part of the State highway system in this part of the State, and the State and county are perfectly willing to take it and keep it in repair hereafter, and relieve the Government and the Indians of any charge whatever. It seems to me it is a very proper amendment.

Mr. TILSON. Will the gentleman yield for a question?

Mr. ELSTON. I do.

Mr. TILSON. How does it happen that this appropriation was made to build a bridge—two of them, it seems—for the Indians, that the gentleman says are not now used by the Indians?

Mr. ELSTON. Of course, that is somewhat ancient history. That was in 1909.

Mr. TILSON. It goes back of the gentleman's time in this House; but I did not know but what he could tell me if the same degree of care was being exercised now and we occasionally build a bridge for a county in a State which the Indians themselves use very little?

Mr. ELSTON. I think there is some improvement going on since 1909. The gentleman from Utah can answer the gentleman perhaps more accurately, and I will yield him a minute.

Mr. WELLING. The bridge was contracted for when this entire area was Indian territory inside of an Indian reservation and it was entirely proper that it should be built there. It was built originally for the Indians. After the bridge had been constructed a large portion of this area was thrown open to public settlement. The bridge thereupon naturally connects the territory that belongs to white people. It was built properly. It ought to have been built by the Indian Bureau when it was built, and it is entirely proper now that the State should maintain and care for it.

Mr. TILSON. And it is at present a white elephant on the hands of the United States Government?

Mr. WELLING. No; not at all.

Mr. TILSON. And we ought to get rid of it, is not that the best reason for voting for this amendment?

Mr. WELLING. It is not a white elephant.

Mr. TILSON. As far as the United States Government is concerned.

Mr. WELLING. It is now outside of the reservation.

Mr. SNYDER. Will the gentleman yield for a question or two?

Mr. ELSTON. I will.

Mr. SNYDER. The information which the gentleman read here was handed him from the Indian Bureau?

Mr. ELSTON. It was.

Mr. SNYDER. Did the gentleman make any investigation of this item in the preparation of this appropriation bill?

Mr. ELSTON. As I remember, this item was not submitted to the subcommittee of the Appropriations Committee when we had the Indian bill in hand.

Mr. SNYDER. Does the gentleman know whether it was submitted by the bureau to the Committee on Indian Affairs of the Senate?

Mr. ELSTON. It certainly was, and was considered by them.

Mr. SNYDER. That is the reason the item was put on in the Senate?

Mr. ELSTON. As to that I am not absolutely certain, but I believe it was put on by the Indian Committee of the Senate.

Mr. SNYDER. So the gentleman as chairman of the subcommittee made no investigation of this item at all?

Mr. ELSTON. The item speaks for itself, and it appealed to my good judgment. I believe it to be a proper thing. I think if the gentleman will read it he will agree with me, and I do not think the gentleman can make very much out of his line of questions.

Mr. SNYDER. I have read it several times, and what I am asking is to show that I have tried to show—

Mr. TILSON. Does the gentleman object to the item or the policy?

Mr. SNYDER (continuing). That it is legislation on an appropriation bill without any investigation on the part of any committee of the House.

Mr. ELSTON. Mr. Speaker, I will say this in respect to the gentleman's statement: Last year the gentleman brought in his own conference report, with something like 130 amendments, that went through here without any discussion whatever, and there were no doubt many legislative items put on by the Senate. I do not remember that any gentleman got up then and made any observations such as the gentleman from New York is making with respect to the matter. We took his word. In this case you do not have to take my word. You can read the amendment and decide for yourself.

Mr. TILSON. Will the gentleman yield?

Mr. ELSTON. I will.

Mr. TILSON. Does the gentleman know any reason why the Committee on Indian Affairs should not have brought legislation in here on this subject and had it out several months ago?

Mr. ELSTON. I am not going to make any criticism about that.

The SPEAKER. The question is on the motion to recede and concur.

The question was taken, and the motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 56, line 4, insert:

"Stevens and Ferry Counties, Wash.: For payment to Stevens and Ferry Counties, in the State of Washington, of their claims under section 2 of the act of July 1, 1892, relating to the payment of local taxes on allotted Colville Indian lands, there is hereby appropriated out of any money in the Treasury not otherwise appropriated, \$115,767.67, to be immediately available, of which amount the Secretary of the Interior is authorized and directed to pay to said Stevens County \$44,309.67, and to pay to said Ferry County \$71,458: *Provided*, That there may be deducted from said amount by the Secretary of the Interior such sums as he may find have been paid to said counties for Indian tuition; also the excess, if any, where the rate, based on the value of Indian allotments, may be found to be in excess of the rate on taxable land."

Mr. ELSTON. Mr. Speaker, I move that the House further insist on its disagreement to this amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment. The Clerk read as follows:

Page 57, line 20, insert:

"Satus Creek irrigation project, Yakima Reservation, Wash.: For beginning the construction of diversion dams and distributing systems for irrigating 40,000 acres of land adjacent to Satus Creek on the Yakima Indian Reservation, Wash., \$50,000, the total cost of the project not to exceed \$2,500,000: *Provided*, That the cost of this irrigation system shall be reimbursed to the United States by the owners of the land irrigable thereunder in not to exceed 20 annual payments and the Secretary of the Interior may fix annual operation and maintenance charges, which shall be paid as he may direct: *Provided further*, That if any allottee shall receive patent in fee to his allotment before the amounts so charged against him shall have been paid to the United States, then such amount remaining unpaid shall be and become a lien upon his allotment, and the fact of such lien shall be recited in such patent and may be enforced by the Secretary of the Interior by foreclosure as a mortgage, and should any Indian sell any part of his allotment with the approval of the Secretary of the Interior, the amount of any unpaid charges against the land sold shall be and become a first lien thereon and may be enforced by the Secretary of the Interior by foreclosure as a mortgage, and delivery of water to such land may be refused within the discretion of the Secretary of the Interior until all dues are paid: *And provided further*, That no right to water or to the use of any irrigation ditch or other structure on said reservation shall rest or be allowed until the owner of the land to be irrigated as herein provided shall comply with such rules and regulations as the Secretary of the Interior may prescribe, and he is hereby authorized to prescribe such rules and regulations as he may determine proper for making effective the foregoing provisions, and to require of owners of lands in fee such security for the reimbursement herein required as he may determine necessary, and to refuse delivery of water to any tract of land until the owners thereof shall have complied therewith."

Mr. ELSTON. Mr. Speaker, I move that the House further insist on its disagreement to this amendment, and I yield 15 minutes to the gentleman from Washington [Mr. SUMMERS].

Mr. SUMMERS of Washington. Mr. Speaker and gentlemen of the House, the integrity and the honor of the Nation are involved in this amendment.

Let me go into the history of the situation. Prior to 1855 the Yakima Indian Tribe owned millions of acres of land in the Territory of Washington. In 1855 the Federal Indian agent, Gov. Stevens, the governor of the Territory of Washington, called a great council together at what is now the city of Walla Walla, and a treaty was made with the Yakima Indians by which they relinquished millions of acres of their lands to the Federal Government and restricted their residence and their rights to the Yakima Indian Reservation, consisting of something over a million acres of land. The Indians themselves accepted this treaty in good faith. They have never been accused, so far as I know, of in any way violating or attempting to violate the terms of that treaty.

As time went by the white settlers on the river above and across the river appropriated the waters that otherwise might have been used for the irrigation of Indian lands. This led to a prolonged controversy, and finally it reached a point in 1913 where there was a joint congressional committee named, which went out to the reservation and made an investigation, and held lengthy hearings, a copy of which I hold in my hand. They found that the Indians had been deprived of their just water rights. They also found, and recommended to Congress, that of each allotment of 80 acres of land that was subject to irrigation they were entitled to a free water right for 40 acres.

Mr. SWINDALL. Will the gentleman yield for a question?

Mr. SUMMERS of Washington. I will.

Mr. SWINDALL. What is the value of this land without irrigation?

Mr. SUMMERS of Washington. Without irrigation this land is worth probably \$3 to \$5 an acre; with irrigation it would be worth \$300 to \$500 an acre.

Mr. SWINDALL. Do the Indians live upon it and support themselves from it?

Mr. SUMMERS of Washington. The testimony shows they are having a very difficult time in supporting themselves upon it.

Mr. MILLER. Will the gentleman yield?

Mr. SUMMERS of Washington. I will.

Mr. MILLER. What proportion of these Indian lands has been irrigated?

Mr. SUMMERS of Washington. If the gentleman will permit, I will lead up to that.

Upon the recommendation of the congressional committee, in August, 1914, it was agreed there should be water furnished adequate for the irrigation of 40 acres of each Indian allotment. Pursuant to that, and because the United States as the guardian of the Indians' rights had permitted this water right to be utilized by other settlers, it became necessary that the United States purchase another water right, and the commission so recommended. The law of August 1, 1914, recognizes the neces-

sity and makes the provision for the purchase of a water right for \$635,000, and the money has been appropriated year by year, and that amount has been paid for a water right on the Wapato project, which is a part of the Yakima Reservation.

Mr. HAYDEN. Does that \$635,000 include all the money which has been expended on the Wapato project?

Mr. SUMMERS of Washington. It does not. There has been money expended for ditches that distribute water to the land.

Mr. HAYDEN. What is the aggregate amount which has been expended?

Mr. SUMMERS of Washington. It is \$1,600,000; and the testimony of the Commissioner of Indian Affairs before the subcommittee shows that in the year 1919 there was produced on that project \$11,000,000 worth of products.

Mr. HAYDEN. As I understand the contention of the gentleman from Washington, Congress has carried out about half of the project recommended by the joint committee of investigation, of which Senator ROBINSON was chairman. The gentleman claims that each of these Indians is entitled to have an irrigated allotment of 40 acres, and half of them have been provided with such allotments at a total cost of \$1,600,000, and that it will take an additional expenditure of \$2,500,000 to care for the remainder.

Mr. CARTER. As I recall, \$635,000 was spent for water storage.

Mr. SUMMERS of Washington. That is correct.

Mr. CARTER. Spent at Lake Kechelus?

Mr. SUMMERS of Washington. At Kechelus and other points. If the gentleman will permit me to explain, the \$635,000 provided a water right for a part of these Indians, and in the law of June, 1919, it was specified that this water right should apply to the Wapato project. Now, adjacent to the Wapato project comes the Toppenish-Simcoe irrigation project, and we made an appropriation a year ago, and the water has been filed on, and work begun so as to supply the Indians on that part of the reservation. But immediately adjacent exactly the same tribe of Indians, with the same land and of the same value, resting under the same treaty rights and same Federal statutes, we have the Indians who live along Satus Creek, for whom we have never done anything. There is flowing by and through that part of the reservation at this time ample water in the way of return flow from irrigation higher up and from tributary streams to the Yakima River—water sufficient for the needs of these Indians.

Mr. HAYDEN. I would like to ask whether the Indians are liable to lose their rights to the water for irrigation if this new work is not promptly undertaken?

Mr. SUMMERS of Washington. That is my point. The water right is now there and available. But there are going to be irrigation activities begun, probably within the year, lower down the river, and if that water is filed on and appropriated then we will have a part of this reservation not supplied with a water right. We are carrying an obligation by our treaty and by the law of 1914, and a reiteration of a part of that law on almost every Indian appropriation we have made since, to go out and secure a water right for this part of the reservation. The water right so far has cost \$635,000. The distribution is another question.

Mr. SNYDER. Will the gentleman yield?

Mr. SUMMERS of Washington. In a minute, if the gentleman will permit. It will cost probably a very large sum in order to secure another water right if we let this slip away from us.

This bill carries \$50,000 for beginning the diversion, so that we can hold onto the water rights. I know it also carries an authorization for the expenditure of a larger amount, but this amount Congress can distribute over as many years as it will. But I insist as a matter of economy and as a matter of justice to these Indians that we should conserve the water right which is now on their lands.

Now, I yield to the gentleman from New York.

Mr. SNYDER. The gentleman considers this as a twin project to the Wapato project?

Mr. SUMMERS of Washington. I consider it part of the Yakima project.

Mr. SNYDER. Does the gentleman consider it an Indian project?

Mr. SUMMERS of Washington. I consider it an Indian project.

Mr. SNYDER. The gentleman is familiar, of course, with how many Indians there are owning farms on the Yakima project. The gentleman is advocating this one, based on the Wapato project being a success?

Mr. SUMMERS of Washington. It is.

Mr. SNYDER. Yes; but it is not an Indian project at all. It is a white man's project; and if the gentleman will permit, I will state that the number of Indians engaged is 150 and the number of whites engaged, owners, 500, and the number of whites engaged, lessees, 750. The number of acres cultivated by Indians is 5,800; the number cultivated by white owners, 28,540; and by white lessees, 34,158. Now, I am asking the gentleman if this project which he is now advocating will be equally an Indian project as this one?

Mr. SUMMERS of Washington. I think it would be apropos here to put in the figures on that. Of this land, 32,000 acres is allotted to 400 Indians. That is 80 acres each. There are 2,145 acres that have been sold to 30 white families, so there we have the proportion.

This is almost wholly, regardless of what Wapato may be, an Indian project. There is no one connected with the Indian Service, and there is no one connected with the Committee on Indian Affairs, and I dare say no Member of Congress who is familiar with the subject who will not agree with me that the reclamation done on the Yakima Indian Reservation has been the most productive of results of any Indian project in the United States. That is the testimony, over and over again, by the Indian Department.

Mr. BLAND of Indiana. Mr. Speaker, will the gentleman yield?

Mr. SUMMERS of Washington. Yes.

Mr. BLAND of Indiana. Was this project considered by the House when the House originally passed this bill?

Mr. SUMMERS of Washington. Very late in the afternoon, when many Members were going out, I offered an amendment along this line. However, since then it has been considered in the Senate, and it has been considered by the committee. This was originally recommended by the department.

Mr. BLAND of Indiana. Was it rejected by the House before the Senate tacked it on to this bill?

Mr. SUMMERS of Washington. It was rejected here by a group of men, perhaps one-fourth of the number who are here at this time.

Mr. SNYDER. This item came up on an estimate from the bureau. It being legislation, the Committee on Appropriations did not discuss it at all. They dismissed it without discussion. It went over to the Senate and was put on there.

Mr. TILLMAN. Mr. Speaker, will the gentleman yield?

Mr. SUMMERS of Washington. Yes.

Mr. TILLMAN. Has the gentleman got a copy of the bill?

Mr. SUMMERS of Washington. Yes.

Mr. TILLMAN. I call to the gentleman's attention what seems to be a clerical error on page 58, which should be corrected, assuming, of course, that you want the Senate amendment to remain in the bill. On line 21, page 58, the word "rest" should be stricken out and the word "vest" inserted in lieu thereof.

Mr. SUMMERS of Washington. I agree.

Mr. TILLMAN. With the gentleman's permission, Mr. Speaker, I move that the word "rest" on line 21 of page 58 be stricken out, and the word "vest" be substituted therefor.

Mr. SUMMERS of Washington. Yes; that is satisfactory to me, if it is satisfactory to the chairman of the committee.

Mr. CURRY of California rose.

Mr. SUMMERS of Washington. I yield to the gentleman from California.

Mr. CURRY of California. In the treaty entered into between the United States and the Indians in 1855 the Indians reserved the water rights in this Yakima country?

Mr. SUMMERS of Washington. They so understood it.

Mr. CURRY of California. Some of the Indians had these water rights, and some have not been given to them. Now, as the treaty is part of the supreme law of the land, and it was entered into with the Indians, it seems to me these Indians would be entitled to the same water rights as the others; and this really is not legislation on an appropriation bill, and if it had come in as an item from the Committee on Appropriations it would not have been stricken out on a point of order. Not only as a matter of honor the United States Government ought to keep its contract with the Indians, but we ought to be as honest in dealing with the Indians and with each other as the Government can compel the Indians and other people to be in dealing between themselves.

Mr. SUMMERS of Washington. Let me tell you what the Indians say Gov. Stevens said to them:

As long as the sun is in the sky, as long as the streams are still flowing, as long as the white mountains are still there, so long your rights will be maintained and be supported.

Gentlemen, it is the question to-day whether we are going to make good that treaty which we made with a helpless tribe of Indians, who surrendered millions of acres of their own land

and their own rights, at the instigation of the agents of the Government, or whether we are going to make that treaty to-day a "scrap of paper" and let these Indians try to grow a crop on land as bare as the top of this table.

Mr. FRENCH. Mr. Speaker, will the gentleman yield?

Mr. SUMMERS of Washington. I yield.

Mr. FRENCH. Is not this little group of Indians, in fact, a part of a larger group that we helped a few years ago?

Mr. SUMMERS of Washington. They are a part of the Yakima Tribe, and we have taken care of the other group, and these are immediately adjacent. The question is whether we shall do the thing that we agreed to do for all of them or let the water rights slip away and then have this controversy come before us for years and years.

Mr. FRENCH. It is a continuation of the same project?

Mr. SUMMERS of Washington. It is a continuation of the same project.

Mr. FRENCH. Mr. Speaker, I ask for five minutes more.

The SPEAKER. The gentleman from California [Mr. ELSTON] has control of the time. The gentleman from Washington [Mr. SUMMERS] makes the preferential motion to recede and concur in the Senate amendment.

Mr. ELSTON. Mr. Speaker, the House considered this item once, and in its good judgment decided that it should not be put upon this appropriation bill. In addition to that, this is a new project, that goes right in the face of a policy adopted by the Indian Affairs Committee of not continuing this practice of reclaiming Indian land for white settlers. These Yakima Indians are not poor Indians. They are rich Indians. They have a tremendously rich property; and if this second unit goes according to the first unit, within one year from the time it is started it will be practically in the hands of white settlers. The House has approved the policy already adopted by the Indian Affairs Committee of cutting short right now this practice of appropriating for reclamation projects under the guise of projects for the supposed benefit of the Indians, when, as a matter of fact, they are for the benefit of the whites.

This whole subject should be turned over to the jurisdiction of the Reclamation Service. The gentleman from New York [Mr. SNYDER] has introduced a bill in this House to take care of a situation just like this and to cover it into the Reclamation Service, where it can be developed, and where money can be provided for it.

I hope that the House will not vote in favor of the preferential motion just made by the gentleman from Washington [Mr. SUMMERS]. This project may be very meritorious, but the House has set itself against appropriating millions out of the Treasury on projects of this kind.

I yield five minutes to the gentleman from New York [Mr. SNYDER].

Mr. SNYDER. Mr. Speaker, all that the very efficient chairman of the subcommittee [Mr. ELSTON] has said about this project is true. We have now already expended on irrigation projects through the Indian Bureau nearly \$25,000,000. The estimates for the completion of those projects already started amount to an additional \$25,000,000. Nearly all of those projects that have been started, with the exception of this Wapato project, are almost indefensible as irrigation systems, because of the fact of the dual relation between the Indian Bureau and the Reclamation Service. The Indian Bureau supervises and directs and draws the plans for these projects and the most of the work is done by the Reclamation Service, under the direction of the Indian Bureau, which, to my mind, is absolutely indefensible.

Mr. SUMMERS of Washington. Will the gentleman yield for a question?

Mr. SNYDER. Yes.

Mr. SUMMERS of Washington. Is there any criticism of the Yakima project—that part of it which has been constructed?

Mr. SNYDER. No; so far as I have been able to discover—and I have made careful investigation—the Yakima system is the best one that we have in existence to-day; but, speaking about the treaty, the Yakima system has had more done for it in the matter of furnishing the money than has been stated here. The gentleman said \$1,600,000 had been expended upon that project. He overlooks \$500,000 that has been expended upon maintenance and operation. He also overlooks the fact that this is the first year since the project was started that there has ever been one penny paid back, even for operation and maintenance, to say nothing of paying anything back on the principal. Mind you, all of these projects were started under the guise of reimbursable; but, so far as this committee has been able to find after an intensive investigation covering a year and a half, not one penny has been reimbursed to the Government of the principal of any of these amounts, even on

this splendid project up in Washington known as the Wapato project.

Now, what I object to here is that while this may be an absolutely meritorious project—and no man in this House favors irrigation more than I do, because my eyes were opened to that subject last summer, and I know the advantage of it—it must be done under proper regulations, and I am absolutely and unalterably opposed to this House and this Government installing so-called Indian projects which are wholly for the benefit of the white man, with the possible exception of indirectly being some little help to some few Indians. The difficulty today with all these projects that we have been able to find where there has been more than \$50,000 or \$60,000 spent is that there are no Indians farming them at all. The statement is made here that there are 5,800 acres in the Yakima project which are being cultivated by Indians. If that were investigated carefully it would be found that the Indians are not working them. At least that is what we found everywhere else. It was very difficult to find an Indian anywhere doing work upon a farm or anywhere else. And so, in addition to what I have said, I am opposed to this because there has been no investigation of the project on the part of anybody connected with this House or with the other body, so far as I have been able to determine. Therefore I hope this amendment will not prevail.

Mr. DEWALT. Will the gentleman yield?

Mr. SNYDER. Yes.

Mr. DEWALT. How is this proposed reimbursement secured to the Government, if secured at all?

Mr. ELSTON. It is in the nature of a lien on the project itself and on the land, and as the land comes in after it is irrigated, the settlers are supposed to be in a position to repay the Government for its outlay.

Mr. DEWALT. The gentleman from New York [Mr. SNYDER] just said that there had been no reimbursement whatever. Is the gentleman correct in so stating?

Mr. ELSTON. The time when reimbursement should begin, prior to a proviso put into the Indian bill last year, was practically left to the Indian Bureau to decide, and in their good judgment they had not up to that time decided that it should begin at all. That is the way the situation lay.

Mr. SNYDER. And the reason was that we believed that the return from the \$25,000,000 already invested, if properly collected, would furnish the capital required for continuing the projects in the future.

Mr. ELSTON. I yield five minutes to the gentleman from Washington.

Mr. DEWALT. Will the gentleman yield for another question before he does that?

Mr. ELSTON. Yes.

Mr. DEWALT. The gentleman from Washington speaks of the treaty rights; what is the chairman's opinion as to the rights of these Indians under the treaty as to that water?

Mr. ELSTON. I have never heard that there was any obligation on the part of the Government to provide a project of this magnitude involving the expenditure of \$2,500,000. There may be some clause in the treaty which I have no doubt has been fully met by the Government long ago in what it has done for these Indians.

Mr. DEWALT. Regardless of the cost, this treaty is a valid treaty, and the Indians should be entitled to the value of it.

Mr. ELSTON. I never heard of such a proposition in the treaty.

Mr. SNYDER. I think the gentleman is following up a wrong sentiment. I do not think he will find that the Indians are clamoring for this proposition at all. The Indians are the last ones who are yelling for irrigation.

Mr. ELSTON. Mr. Speaker, I yield three minutes to the gentleman from Washington [Mr. SUMMERS].

Mr. SUMMERS of Washington. Mr. Speaker, in regard to this last suggestion that the Indians are not clamoring for this project, I refer to the hearings before the subcommittee, in which the Commissioner of Indian Affairs says that the Indians are demanding this. In regard to the \$25,000,000 expended at other places, that has nothing to do with keeping the treaty between the United States Government and the Yakima Indians. In regard to the question as to whether this is for whites or for Indians, I make the statement, and am prepared to verify it, that there are 400 Indians and 33 white families.

Mr. DEWALT. Will the gentleman yield?

Mr. SUMMERS of Washington. Yes. I yield to the gentleman from Pennsylvania.

Mr. DEWALT. What I want to get at is, does this treaty stipulate that the Indians shall have a right to use this water?

Mr. SUMMERS of Washington. If the chairman will give me a half a minute's time, I will say that in 1855 irrigation was

but little known, but they were given the waters of that reservation, the fish, the timber, and the game, and all those things. By the time the treaty was ratified in 1859 they were beginning to do some work on irrigation, and they have been doing it ever since. So, under the broad terms of the treaty, the waters are reserved to them. Gentlemen of the joint congressional committee went out and held extensive hearings, made investigations, and investigated the treaty and then reported back.

Mr. DEWALT. What did they report?

Mr. SUMMERS of Washington. They reported that they should have water sufficient to irrigate one-half of each 80-acre allotment on said reservation. Then, pursuant to that report, on August 1, 1914, the statute provides for the same thing. It says "adequate for irrigation of 40 acres on each Indian allotment."

Mr. DEWALT. Let me ask the gentleman another question. Who is to decide what is adequate—the Government itself or the Indians?

Mr. SUMMERS of Washington. I am willing that the Government should decide.

Mr. DEWALT. It is said that \$25,000,000 has been appropriated.

Mr. SUMMERS of Washington. That is not for these Indians; that is all over the United States.

Mr. ELSTON. Mr. Speaker, I will close with this statement. This is a new project counter to a policy adopted by the committee and counter to the suggestion that propositions of this kind be put into the Reclamation Service. That will be done if the bill introduced by the gentleman from New York [Mr. SNYDER] passes the House. The Government can then recognize its obligations to these Indians, and the project will be in the branch of the service where it belongs.

If there is any equity to be considered in this case, there are many important projects where the equities are much stronger. There are as many as five States pressing this committee to continue work on projects already started that may deteriorate for want of further appropriations. The committee can not respond because it may involve the expenditure of many millions of dollars. Here is something new upon which we have not started. If we are going to launch out on these projects, let us go back and finish the projects upon which we have already spent money. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question now is on the motion of the gentleman from Washington that the House recede and concur.

The question was taken; and on a division (demanded by Mr. SUMMERS of Washington) there were 23 ayes and 48 noes.

So the motion was rejected.

The SPEAKER. The question now is on the motion of the gentleman from California that the House further insist on its disagreement.

The question was taken, and the motion was agreed to.

The SPEAKER. The Clerk will report the next amendment. The Clerk read as follows:

*Provided*, That, in the discretion of the Commissioner of Indian Affairs, the per capita share of any of said Indians under this appropriation, and under a like appropriation of \$10,000 made for the same purpose in the act approved February 14, 1920, may be paid in cash.

Mr. ELSTON. Mr. Speaker, I move that the House recede and concur in this amendment. This amendment makes no appropriation of any kind. It merely distributes in cash the appropriation already made to such of these Indians as do not wish to take land by reason of the fact that they already have land. The appropriation was made in such a way as to authorize the Secretary of the Interior to purchase lands for all of the Indians. Now it appears that this appropriation need not be used for the purchase of farms for such Indians as have farms. This is to authorize the payment in money to these Indians who have farms of their quota of the appropriation. I move the previous question on the motion to recede and concur. The previous question was ordered.

The SPEAKER. The question is on the motion to recede and concur.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment. The Clerk read as follows:

Amendment No. 109: Page 61, line 10, insert: "The Secretary of the Interior is hereby authorized, in his discretion, to withdraw from the Treasury of the United States the sum of \$180,000, or so much thereof as may be necessary, of the tribal funds of the Menominee Indians of Wisconsin, arising under the acts of June 12, 1890 (26 Stat. L., p. 146), and March 23, 1908 (35 Stat. L., p. 51), and to make therefrom a per capita payment or distribution of not to exceed \$100 to said Indians entitled thereto under such rules and regulations as he may prescribe to be immediately available."

Mr. ELSTON. Mr. Speaker, I move that the House recede from its disagreement to the Senate amendment and concur

in the same with an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Mr. ELSTON moves that the House recede from its disagreement to Senate amendment No. 109, and agree to the same with the following amendment: In lieu of the matter inserted by said amendment insert the following: "The Secretary of the Interior is authorized, in his discretion, to withdraw from the Treasury of the United States, so much as may be necessary of the tribal funds of the Menominee Indians of Wisconsin, arising under the acts of June 12, 1890 (26 Stat. L., p. 146), and March 28, 1908 (35 Stat. L., p. 51), and to make therefrom a per capita payment or distribution of not to exceed \$50 to such Indians entitled thereto under such rules and regulations as he may prescribe. And the authority granted in this paragraph shall be effective immediately upon the approval of this act."

Mr. ELSTON. Mr. Speaker, the effect of this amendment is to decrease the per capita payment from \$100 to \$50. I have a memorandum here which shows that these Indians have to their credit in the Treasury at this time \$1,800,000. This per capita payment of \$50 involves a withdrawal of about \$90,000.

Mr. SNYDER. Mr. Speaker, will the gentleman yield?

Mr. ELSTON. Yes.

Mr. SNYDER. Where did the gentleman get the figures that the Menominee Indians have a million dollars and upward on hand?

Mr. ELSTON. From the Indian Bureau.

Mr. SNYDER. The report of the commissioner as of June 30, last year, shows that they had at that time only \$157,000. If they have one million and upward, why is it necessary to decrease the amount of the per capita payment from \$100 to \$50? There is no reason in the world why they should not be paid the \$100, if that is so.

Mr. ELSTON. The amendment seems proper in view of the information given to me as to the immediate needs of the Indians for cash. They do not need more than \$50 per capita, and it would be better to keep the balance of the money in the Treasury for their benefit than to give them more than they require and have them waste it.

Mr. SNYDER. I have no objection to the reduction, only I wondered why. When I investigated the matter myself I found a reason for the reduction. There was on the 1st of June, last year, according to the report of the commissioner, \$157,000 in the Treasury to the credit of the Menominee Indians. They first attempted to appropriate \$180,000, which they did not have. Having discovered that, it appeared to me it was necessary to reduce the amount to \$50. I was in communication this morning with the bureau, notwithstanding the fact that they are on a holiday to-day, and all of the money that we could find to the credit of the Menominee Indians is \$157,000. If the gentleman's amendment prevails, there will be money enough to pay it.

Mr. ELSTON. I would state to the gentleman that I can not controvert the statement that he makes in regard to the amount in the Treasury, but I have memoranda which has been handed to me, and that is all I know about it.

Mr. SNYDER. I do not state that the memorandum is not correct, but that is the type of information that we get all of the time.

Mr. ELSTON. Mr. Speaker, I move the previous question on the motion to recede and concur with an amendment.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from California to recede and concur with an amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 129: Page 65, line 9, insert:

"SEC. 26. That section 1 of the act of Congress approved March 2, 1895 (28 Stat. L., p. 907), in so far as the same relates to the allotments of land to the Quapaw Indians and to restrictions against alienation of said allotments, be, and the same is hereby, amended so as to provide that the restrictions which now exist against the alienation of the lands allotted to and allotted lands inherited by the Quapaw Indians named in the letter of January 1, 1921, of the Secretary of the Interior, to wit: John Beaver, Mah-hunk-a-zhe-ka, now Beaver; Anna Beaver, now Bear; Arthur Buffalo, Lizzie Cedar, Peter Clabber, Minnie Greenback, now Clabber; Harry Crawfish, Thomas Crawfish, Mary Crawfish, now Skye; Francis Quapaw Goodenagle, Wat-tah-nah-zhe Goodenagle, Khab-Daah, or Grudeagle, now Quapaw; Antoine Greenback, Joseph Greenback, Ho-gom-me, or Goodenagle; Mis-kah-get-tah, Amos Newhouse, John Quapaw, Nellie J. Ball, now Quapaw; Ta-mee-heh, or Quapaw; Benjamin Quapaw, Solomon Quapaw, Frances Quapaw, now Gokey; Julia Stafford, now Shapp; Hah-dah-ska-tun-ka, or Track; Mes-kah-tun-ka, or Track, now Slagle; Flora Young Greenback, now Whitebird; James Xavier, Anna Xavier, now Collins; Wah-she-mah-tah-het Track, now Martha Track Quapaw; Henry Buffalo, Clara May Buffalo, Hazel L. Buffalo, now McDunner; Nora Buffalo, now Brook; William Buffalo, James Amos Valliere; Georgia Alice Valliere, now Hampton; Iva Amella Valliere, Jesse Daylight, Clayton C. Daylight, Emma Louise Blansett, Alfonso Greenback, Jr., Lulu May Greenback, Mary Mollie Greenback, Amy Greenback, Woodrow Wilson Greenback, John Greenback, Alphonso Greenback, sr., Beatrice C. Peters, now Shapp; Juanita Alma Dawes, Agnes Track, Dennis Wilson, Erwin Wilson, Martin Wil-

son, Mary Wilson, Louise Wilson, Robert A. Whitebird, Helene Irene Whitebird, Thomas Xavier, Elvora Quapaw, and Lucy Lottson Beaver; and including any Quapaw allotted or inherited lands in which any of the said named Indians have any undivided interests, be, and the same are hereby, extended for the further and additional period of 25 years from the date of this act: *Provided, however*, That the Secretary of the Interior may, with or without application of the Indian owner, remove such restrictions, wholly or in part, after he has found such Indian owner to be as competent as the average white man to conduct his own business affairs with benefit to himself, under such rules and regulations as he may prescribe in regard thereto, and concerning terms of sale and disposal of the proceeds for the benefit of the respective Indians: *Provided further*, That all said lands allotted to or inherited by the Quapaw Indians may, when subject to restrictions against alienation, be leased for mining purposes for such period of time and under such rules, regulations, terms, and conditions only as may be prescribed by the Secretary of the Interior, and said lands while restricted against alienation may be leased for mining purposes only as provided herein: *And provided further*, That the production of minerals on said lands may be taxed by the State of Oklahoma in all respects the same as that produced on unrestricted lands, and the Secretary of the Interior is hereby authorized and directed to cause to be paid from out of the individual Indian funds held under his supervision, belonging to the Indian owner of the land, the tax so assessed against the royalty interests of the respective Indian owner in such production: *Provided, however*, That such tax shall not become a lien or charge of any kind or character against the land or other property of said Indian owner."

Mr. HASTINGS. I suppose the gentleman wants to recede and concur with an amendment there by inserting the figures "15" in line 16, page 65, after the word "January."

Mr. ELSTON. Yes. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment by inserting in line 16, page 65, after the word "January," the figures "15."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Mr. ELSTON moves to recede and concur in amendment 129, with an amendment as follows: In line 16, page 65, after the word "January," insert the figures "15."

The SPEAKER. The question is on the motion of the gentleman from California to recede and concur with an amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 68, line 1, insert:

"SEC. 27. That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Clarence W. Turner and Mrs. William B. Hord, widow of William B. Hord, deceased, one-half to each, out of any funds in the Treasury of the United States belonging to the Creek Nation, the sum of \$6,967.50, being in full settlement of the claim of the said Clarence W. Turner and William B. Hord, deceased, against the said Creek Nation growing out of services performed by them under an act of the National Council of the Creek Nation approved January 31, 1895, in an effort to secure appropriation by the Congress of the United States of \$600,000 of the Creek funds, the same to be made available for the immediate use of the Creek Nation, and of which amount there was appropriated by Congress the sum of \$200,000 by the act of March 2, 1895 (28 Stat., p. 894), the said sum of \$6,967.50 having been appropriated in favor of said Turner and Hord for said services by an act of the National Council of the Creek Nation, approved November 5, 1900, but not paid."

Mr. ELSTON. Mr. Speaker, I move that the House recede and concur in this amendment. It is a tribal item, payable out of tribal funds.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. ELSTON. I shall yield to the gentleman from Michigan in a moment. Before a vote is taken on this amendment, I wish to give a résumé of the result accomplished by the House on this bill and inform the House as to the aggregate of appropriations carried in the conference report and involved in the motions made by me on the floor of the House. If the motion which I have just made is agreed to, the totals of the present bill will substantiate my claim to the House that this bill when completed would still be lower in totals than the record-breaking low bill of last year, in respect to which the Indian Appropriation Committee justly claimed a great deal of credit. Last year the gentleman from New York [Mr. SNYDER] brought into this House a bill which was the lowest bill for five years. He was congratulated upon the floor of the House by the gentleman from Illinois [Mr. MANN]. I feel that the present subcommittee has no excuses to make in closing its work to-day. We have completed the bill and we have furnished to the House a bill carrying a smaller total than last year.

Mr. CARTER. What are the totals?

Mr. SNYDER. Mr. Speaker, I desire to say that the chairman of the Committee on Indian Affairs concurs in the statement the gentleman has made and believes every word he has said, and congratulates him upon his efforts in finally passing a bill even lower than the bill passed last year, and I think he is entitled to the congratulations of the House on his efforts.

Mr. CARTER. The gentleman did not give the totals.

Mr. ELSTON. The totals are as follows:

Gratuities, \$7,550,669.67; reimbursables, \$1,584,985; treaty, \$906,620; tribal, \$2,728,974; making a grand total of \$12,771,278.67, nearly \$100,000 lower than last year's bill.

Some question has been made in regard to the propriety of amendments which I have proposed here. The increases involved in my motions, so far as sums coming out of the Treasury are concerned, amount to a little over \$500,000. Of that sum nearly \$400,000 has been for school purposes. We have used our best judgment in selecting emergency cases. That explains in a degree what has been done with the increases—

Mr. SNYDER. Will the gentleman yield for a question?

Mr. ELSTON. Yes.

Mr. SNYDER. The gentleman, of course, can not help but say that the Committee on Indian Affairs has assisted him in every possible way in keeping down the amount.

Mr. ELSTON. The Committee on Indian Affairs did not assist in carrying the various motions—at least, it opposed some of them.

Mr. SNYDER. The gentleman misunderstands me. The gentleman does not mean to say that at least the chairman of the Committee on Indian Affairs has not tried in every way to keep items down in the bill, and also other members of the Committee on Indian Affairs?

Mr. ELSTON. I misunderstood the gentleman. I have had absolutely the full cooperation of the gentleman in keeping down efforts to increase the amounts in the bill.

Mr. SNYDER. That is what I want to bring out.

Mr. ELSTON. I give the gentleman credit for absolute sincerity and give him credit for a desire to protect the jurisdiction of his committee. I may differ from him in regard to the merit of many of his criticisms and strictures on the course of this subcommittee in the House. It is a mere matter of difference of opinion, where I believe the gentleman is absolutely sincere. I hope he accords me the same thing.

Mr. SNYDER. I certainly do.

Mr. ELSTON. Now, Mr. Speaker, statements have been made in the House in regard to Senate amendments in the nature of legislation. Mr. Speaker, I have here a list of the legislative items involved in my motions which have been carried in the House. There is not one of them that does not involve some necessary incident in the way of legislation for the aid and help of the Indian Service, and there is hardly one of them that the gentleman from New York himself would not have approved. There are some which he has opposed, but I believe that 90 per cent of the legislation involved in my motions would have been agreed to by the gentleman from New York had the matter come up before his committee. I will not take up the time of the House to analyze other legislative items put upon the bill. They are mostly minor adjustments in the law for the betterment of the Indian Service and are similar to amendments usually carried in the current Indian appropriation bills.

Mr. HAYDEN. Mr. Speaker, I would like to discuss the pending amendment, and I direct attention to line 10, page 68. It seems to me that all after the date 1895 is mere argument as to why this appropriation should pass, and while it is entirely proper to pay this claim, and I believe it to be a just claim, I do not like the idea of enacting into the statutes of the United States a statement that it is a payment for services in an effort to secure an appropriation by Congress.

It seems to me if the gentleman would concur with an amendment striking out all after "1895" in this amendment it would be just as effective.

Mr. ELSTON. Will the gentleman propose his amendment?

Mr. HAYDEN. Mr. Speaker, I move to concur with an amendment striking out all in the Senate amendment after "1895," in line 10.

Mr. ELSTON. Mr. Speaker, I move the previous question on that.

The SPEAKER. The gentleman from California proposed a motion to recede and concur, and—

Mr. ELSTON. I have no objection to the amendment.

The SPEAKER. The question is on the motion of the gentleman from Arizona to recede and concur with an amendment, which the Clerk will report.

The Clerk read as follows:

Page 68, line 10, after the figures "1895," strike out the comma and insert a period, and strike out the remainder of the paragraph.

The SPEAKER. The question is on the motion to recede and concur with an amendment.

The motion was agreed to.

#### HOUSE OF MEETING TO-MORROW.

Mr. MANN of Illinois. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER. The gentleman from Illinois asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection?

Mr. TILSON. Mr. Speaker, reserving the right to object, will the gentleman state what it is proposed to do to-morrow?

Mr. MANN of Illinois. If the deficiency bill is not disposed of to-day, that will come up to-morrow. The conference report on the Diplomatic bill, I take it, will follow that.

Mr. TILSON. The day will be used in conference reports, so far as the gentleman knows?

Mr. MANN of Illinois. As far as conference reports are ready, and I presume they will probably take the day. I do not know.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

#### DEFICIENCY APPROPRIATIONS—CONFERENCE REPORT.

Mr. GOOD. Mr. Speaker, I call up the conference report on the bill (H. R. 15962) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1921, and prior fiscal years, and for other purposes.

The SPEAKER. The gentleman from Iowa calls up the conference report on the bill H. R. 15962, which the Clerk will report.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15962) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1921, and prior fiscal years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 15, 29, 34, 65, and 74.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 4, 5, 7, 8, 9, 10, 11, 12, 13, 16, 17, 18, 19, 21, 22, 24, 27, 31, 32, 36, 38, 39, 44, 46, 47, 48, 49, 50, 51, 57, 58, 59, 60, 61, 63, 66, 67, 68, 69, 70, 77, 78, 84, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, and 98; and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "\$10,000"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: After the matter inserted by said amendment, insert as a separate paragraph the following:

"Sixty per cent of the foregoing sums for the District of Columbia shall be paid out of the revenues of the District of Columbia and 40 per cent out of the Treasury of the United States."

And on page 3 of the bill strike out lines 23 to 26, inclusive.

And the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,200,000"; and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$10,000"; and the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$225,000"; and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$85,000"; and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "\$10,000"; and the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$400,000"; and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of

the sum proposed, insert "\$70,000"; and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "\$100,000"; and the Senate agree to the same.

The committee of conference have not agreed upon amendments of the Senate numbered 6, 14, 20, 25, 26, 28, 33, 35, 37, 40, 41, 42, 43, 45, 52, 53, 54, 55, 56, 62, 70, 80, 81, 82, and 83.

JAMES W. GOOD,

J. G. CANNON,

JOHN M. EVANS,

*Managers on the part of the House,*

F. E. WARREN,

CHARLES CURTIS,

JOHN WALTER SMITH,

*Managers on the part of the Senate.*

#### STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15962) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1921, and prior fiscal years, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying report as to each of the said amendments, namely:

On No. 1: Appropriates \$10,000, instead of \$20,000 as proposed by the Senate, for expenses of the Bureau of Efficiency.

On Nos. 2 to 5, 7 to 13, 15 to 19, and 21 to 23, inclusive, relating to the District of Columbia: Strikes out the authority, inserted by the Senate, for payment of the salary of Commissioner Hendrick, notwithstanding the provisions of section 1761, Revised Statutes; inserts the following appropriations in the amounts proposed by the Senate: District of Columbia employees' compensation fund, \$2,000; coroner's office, for contingent expenses, \$1,700; operation and maintenance of the sewage pumping plant, \$18,000; allowance to principals of public schools, \$2,980; maintenance of motor vehicles of the police department, \$1,900; repair and improvement of the fire boat, \$700; enforcement of the acts to provide for the drainage of lots, \$500; expenses incident to the enforcement of the food and drug acts, \$400; maintenance of the tuberculosis and venereal disease dispensaries, \$500; Home for the Aged and Infirm, \$5,500; Board of Children's Guardians, administrative expenses, \$1,000, and maintenance of feeble-minded children, \$2,500; care of the insane, \$100,000; deportation of nonresident insane, \$1,500; and payment of judgments, \$5,373.95. Appropriates \$50,000, as proposed by the House, instead of \$25,000, as proposed by the Senate, for the support of convicts.

On No. 24: Strikes out, as proposed by the Senate, the appropriation of \$1,000,000 for the valuation of property of carriers.

On No. 27: Inserts the appropriation of \$470.80, proposed by the Senate, for the transportation of currency for the office of the Comptroller of the Currency.

On No. 29: Strikes out the sum of \$315.44, inserted by the Senate, for the reimbursement of John M. Rogers, paying teller in the assistant treasurer's office at Chicago.

On No. 30: Appropriates \$1,200,000, instead of \$1,000,000, as proposed by the House, and \$1,400,000, as proposed by the Senate, for the enforcement of the national prohibition act.

On No. 31: Increases by \$1,000,000, as proposed by the Senate, the amount authorized to be used for the refunding of internal-revenue taxes illegally collected.

On No. 32: Increases from \$825,000 to \$1,000,000, as proposed by the Senate, the amount for payment of medical and hospital services for war-risk insurance patients cared for by the Public Health Service.

On No. 34: Strikes out the appropriation of \$200,000, inserted by the Senate, for improvements at the New York quarantine station.

On No. 36: Appropriates \$8,000, as proposed by the Senate, for the repair of a bridge in the Chickamauga and Chattanooga National Park.

On Nos. 33 and 39: Appropriates \$1,200.11 for the payment of river and harbor damage claims adjusted by the War Department in accordance with law.

On No. 44: Increases the appropriation for pay of the Army from \$24,000,000 to \$30,000,000, as proposed by the Senate.

On Nos. 46 to 51, inclusive, relating to the National Home for Disabled Volunteer Soldiers: Increases the appropriation for household for the Eastern Branch from \$36,000 to \$54,000, as proposed by the Senate; increases the appropriation for sub-

sistence for the Southern Branch from \$57,000 to \$76,500, and the appropriation for household from \$80,000 to \$95,000, both as proposed by the Senate.

On No. 57: Insert the paragraph, proposed by the Senate, making the appropriations for the fiscal year 1921 for the Quartermaster Department of the Marine Corps payable from balances of appropriations for similar purposes for the fiscal year 1920.

On No. 58: Appropriates \$25,000, as proposed by the Senate, for stationery for the Interior Department.

On Nos. 59 to 61, inclusive, relating to the Indian Service: Appropriates \$290,000, as proposed by the Senate, for the support of Indian schools; and appropriates \$258,585.21 for the payment of audited claims allowed by the accounting officers of the Treasury Department on account of the Indian Service.

On No. 63: Appropriates \$3,000, as proposed by the Senate, for repairs in connection with the power plant in the Yosemite National Park.

On No. 64: Appropriates \$10,000, instead of \$8,500, as proposed by the House, and \$12,806.69, as proposed by the Senate, for Freedmen's Hospital.

On No. 65: Strikes out the increase of \$500, inserted by the Senate, for the purchase of books for the Post Office Department.

On Nos. 66 to 69, inclusive, relating to the Postal Service: Inserts the appropriation of \$63,575,832.03 to pay the obligations of the Post Office Department to the Railroad Administration for carrying the mails during the period of Federal control of railroads; inserts the following appropriations proposed by the Senate: \$1,900,000 for railroad transportation for the fiscal year 1920; \$99,500 for transportation of foreign mails, fiscal year 1920; and \$1,303,000 for inland transportation by star routes, fiscal year 1921.

On Nos. 70 to 73, inclusive, relating to the Department of Agriculture: Appropriates \$100,000, as proposed by the Senate, for fire protection in the Olympic National Forest; appropriates \$225,000 instead of \$150,000, as proposed by the House, and \$300,000, as proposed by the Senate, for preventing the spread of moths; appropriates \$85,000 instead of \$75,000, as proposed by the House, and \$100,000, as proposed by the Senate, for eradication of the pink bollworm; and appropriates \$10,000 instead of \$19,435.52, as proposed by the Senate, for fuel for the power plant for the Department of Agriculture.

On No. 74: Strikes out the appropriation of \$10,000, inserted by the Senate, for the investigation of Pacific coast fishes.

On Nos. 75 to 78, inclusive, relating to the Lighthouse Service: Appropriates \$400,000, instead of \$300,000, as proposed by the House, and \$468,000, as proposed by the Senate, for general expenses; appropriates \$70,000, instead of \$50,000, as proposed by the House, and \$83,000, as proposed by the Senate, for personnel for lighthouse vessels; and increases the amount for the payment of damage claims authorized by law from \$362.85 to \$436.12, as proposed by the Senate.

On No. 84: Inserts the language, proposed by the Senate, to furnish two sets of Hinds' Precedents to the Legislative Drafting Service.

On No. 85: Appropriates \$100,000, instead of \$200,000, as proposed by the Senate, for printing and binding for the Post Office Department.

On Nos. 86 to 89, inclusive: Appropriates for judgments of United States courts certified to Congress after the bill had passed the House.

On Nos. 90 to 96, inclusive: Appropriates for the payment of judgments of the Court of Claims certified to Congress after the bill had passed the House.

On No. 97: Appropriates \$2,613,385.33 for the payment of audited claims certified to Congress after the bill had passed the House.

On No. 98: Corrects a section number in the bill.

The committee of conference have not agreed upon the following amendments of the Senate:

On No. 6: Appropriating \$2,200 for advertising notice of taxes in arrears to the government of the District of Columbia, and reduces the number of such notices to be printed from 2,000 to 1,000.

On No. 14: Appropriating \$150 to enable the juvenile court to transport absconding probationers.

On No. 20: Appropriating \$15,000 for board and care of children under the jurisdiction of the Board of Children's Guardians.

On No. 25: Appropriating \$100,000 for transportation of diplomatic and consular officers.

On No. 26: Increasing the number of sheets of customs stamps to be printed during the fiscal year 1921 by the Bureau of Engraving and Printing.

On No. 28: To pay the claim of Walston H. Brown, the Philadelphia & Reading Coal & Iron Co., and the estate of Henry A. B. Post.

On No. 33: Increasing by \$350,000 the appropriation for repairs to Coast Guard cutters.

On No. 35: Appropriating \$285,141.41 to pay certain claims arising from the explosion at the plant of the T. A. Gillespie Co., Morgantown, N. J.

On No. 37: Appropriating \$30,843.45 to pay the claim of the Leavenworth Bridge Co.

On No. 40: Appropriating \$362,140.98 to pay various claims for the readjustment of contracts on river and harbor work entered into prior to the war.

On No. 41: Appropriating \$204,307.98 to pay the claim of Roach, Stansell, Lawrence Bros. & Co.

On No. 42: Appropriating \$123,569.03 to pay the claim of H. B. Blanks.

On No. 43: Appropriating \$15,561.23 to pay the claim of George F. Ramsey.

On No. 45: Appropriating \$714,007.39 to pay the claim of the McClintic-Marshall Construction Co.

On No. 52: Authorizing the construction of medical officers' quarters at various of the branches of the National Home for Disabled Volunteer Soldiers.

On Nos. 53, 54, 55, and 56, relating to the Naval Establishment: Reappropriating \$1,700,000 for maintenance under the Bureau of Supplies and Accounts; authorizing the transfer of certain unexpended balances for the Naval Establishment for the fiscal years 1919 and 1920, to settle accounts under certain appropriation for the Naval Establishment for those fiscal years; making \$5,000,000 of the appropriation for maintenance, Quartermaster's Department, Marine Corps, for the fiscal year 1919, available for freight under the Bureau of Supplies and Accounts for the fiscal year 1921; and authorizing materials purchased at war prices to be issued at reduced prices.

On No. 62: Appropriating \$312,811.27 for payment to the Pawnee Tribe of Indians in Oklahoma.

On Nos. 79, 80, 81, 82, and 83, relating to the Senate: Authorizing the Secretary of the Senate to pay the clerk of Senator HEFLIN from November 3, 1920, to December 5, 1920; appropriating \$4,844 for reporting and transcribing debates of the Senate during the fiscal year 1922; appropriating \$1,200 additional compensation to Robert W. Farrar; and appropriating \$200 for additional services to Charles A. Webb.

JAMES W. GOOD,

J. G. CANNON,

JOHN M. EVANS,

*Managers on the part of the House.*

Mr. GOOD. Mr. Speaker, a great many of the amendments in the bill were estimated for after the Committee on Appropriations of the House had concluded its work on the bill. After we had finished the hearings a large number of estimates went to the Senate, and we have receded on a great many of these items. They are items where there are actual deficiencies which were not considered by the House committee.

Among the principal items included in the report which we have agreed to is an item for the Indian day boarding schools and industrial schools of \$290,000. This item is made necessary very largely to take care of the increased cost of coal and provisions in the boarding schools. The amount appropriated for that purpose in the Indian appropriation bill of last year was \$1,600,000. The estimated deficiency was \$375,000. The Senate has adopted an amendment carrying \$290,000 for that purpose, and it seemed to the managers on the part of the House that if any criticism could be leveled at the item at all, it might be that the amount will be found sufficient to do the work. But in view of the rapidly decreasing price of coal I think this amount would be sufficient for the rest of the year.

The audited claims in the Indian Bureau amount to \$253,585.21. They are audited as required by law, are actual debts, and there is nothing to do but to pay them, and we have agreed to that amendment.

Then, the large increase that has been added is in the Senate amendment which carries \$65,575,832.03 for the Postal Service. When the Railroad Administration appeared before the Committee on Appropriations at the last session of Congress and asked for an appropriation to pay the loss growing out of Government operation of railroads, they listed as one of the assets, one of the collectible assets, \$65,000,000 from the Postal Service for the increase in the cost of carrying the mails while the roads were under Federal control. Now, the trouble was that the Post Office Department did not have this \$65,000,000, and therefore the Postmaster General has made an estimate that came to Congress after the House acted on the bill, and the

Senate has placed in the bill the provision carrying \$65,575,832.03, which will enable him to pay the Railroad Administration what it owes that administration for transportation. The House conferees were unwilling to agree to this amendment until we first ascertained the fact that the Railroad Administration would need the money. When we made inquiry we were advised that they would not only need this sum, but that it would require an additional appropriation to enable it to pay its debts. That administration has cash assets of \$200,000,000. It owes approximately \$295,000,000. This appropriation will leave the administration still short of funds to pay its debts by \$30,000,000. Some day, but not now, we will know the amount of losses growing out of Federal operation and control of the railroads.

Then there is an actual deficiency in the transportation of the mail for the year 1920 of \$1,900,000. The amount is necessary and was estimated for after the bill left the House, agreed to by the Senate, and there seemed to be nothing to do but to appropriate the money.

There is also, for transportation of foreign mails, an appropriation of \$99,500 for the year 1920. There is also carried in that bill \$1,363,000 for star route transportation in 1921. The Postmaster General has requested the appropriation and says the additional funds are needed and the Senate have given it and the conferees have agreed to it. Since the bill left the House there has been a very severe storm, a tornado, out in the Olympic National Forest. The timber destroyed covers an area stretching some 35 miles in width to about 75 or 100 miles long. The timber destroyed is very fine timber. Some very large trees in great numbers have been blown down, and this forest now, according to the estimate made by the department, is in danger of a forest fire. The department requested \$100,000 in order to protect the timber until they can sell it. They propose immediately to take steps to sell the timber to some commercial organization that is equipped to remove this timber that is blown down, and we have agreed to the Senate amendment.

The House bill carried an appropriation of \$150,000 to prevent the spread of the gypsy moth. The Senate bill carries \$300,000 for that purpose. The estimate, as I recall, was for \$300,000, although it was stated before the committee that there should be an appropriation of \$400,000. The committee has agreed upon \$225,000 instead of \$150,000 as carried by the House bill and instead of \$300,000 as appropriated by the Senate.

For the control of the pink bollworm we carried \$75,000 in the House bill. The Senate appropriated \$100,000, and insisted very strongly that that amount would be required for the rest of the year. We have agreed on \$85,000 as a compromise on that item, and by agreeing to both of these items we place ourselves rather in harmony with the provisions carried in the House bill for the same purposes next year.

For general expenses of the Lighthouse Service we carried an appropriation of \$300,000 and the Senate carried an appropriation of \$468,000. This deficiency seemed necessary, very largely on account of the increased cost of coal in the Lighthouse Service. Because of the fact that the stations are widely scattered all along our coast line, it is necessary to buy the coal from the local dealers, and the price this year has been increased almost 100 per cent in many instances. A large part of this appropriation was necessary because of the excessive prices demanded for coal. The House conferees in going over the hearings in this matter have come to the conclusion that perhaps our reduction was a little severe, and we have agreed to the Senate amendment with an amendment, appropriating \$400,000 instead of \$300,000, as carried in the House bill, and instead of \$468,000, as carried in the Senate bill.

The additional judgments of the United States courts amount to \$3,499.93; the additional judgments of the Court of Claims amount to \$65,698.94; and the additional audited claims amount to \$2,613,385.33, and these we have, of course, agreed to.

The House bill carried for the enforcement of national prohibition \$1,000,000. The Senate bill carried \$1,400,000. The conferees have agreed upon an appropriation of \$1,200,000. The Senate conferees felt that the full amount carried by the Senate bill should be appropriated. The House conferees felt that although this was a new work, which is beset with a great many obstacles, Congress should treat it just as it treats all other appropriations, and that those entrusted with the expenditure of these appropriations should also obey the law, just as all other administrative officers entrusted with the administration and expenditure of money should respect and enforce the law. It was the duty of the officers entrusted with the enforcement of national prohibition to so allot their funds, \$5,500,000, so that there would be no deficiency at all. But because Congress either in its wisdom or lack of wisdom saw fit last year to reduce the estimate for that appropriation, as

it reduced other estimates, in this matter the officers entrusted with the enforcement of the law first set about to violate the law and to commence to spend the money, not on the basis of the appropriation as required by law, but upon the basis of their estimates. Now, the committee was willing to help them out of the dilemma, because the committee believes that this law should be enforced; it believes that there should be a rigid enforcement of the law. The committee, however, believes also that there are a great many men not only in the bureau in Washington but throughout the various States as agents who are employed to enforce the law who are winking at its violation. They are known to the men who are at the head of the service, who are not favorable to the enforcement, and they ought to be weeded out. If they weed out these men, they will have more money in this appropriation, more money available, than they can possibly spend.

We want good service, and notwithstanding the fact that the officers entrusted with the enforcement of the law have gone beyond the provisions of the law and created a deficiency without reporting it to Congress, yet we are willing that they shall have all the money that is necessary to enforce this law in a most vigorous way, and we believe that by reducing this appropriation the enforcement of the law will be strengthened, and that there will be thrown about the enforcement of the law a healthier atmosphere than is found there now.

Mr. McLAUGHLIN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. GOOD. I yield to the gentleman.

Mr. McLAUGHLIN of Michigan. Has there ever been a prosecution under that law which forbids the creation of a deficit?

Mr. GOOD. I do not know of a single prosecution.

Mr. McLAUGHLIN of Michigan. It is done so frequently by many departments that it seems to me it might be well to institute a prosecution, and it would save a lot of money.

Mr. GOOD. I agree with the gentleman; and I believe that one of the first things that the incoming President should do is to notify every Cabinet official that that is the law of the United States and it must be enforced. It should be enforced, but it has not been enforced, and it leaves the committees of Congress, and Congress itself, in a position where if they refuse to give the money to carry on a needed service for a portion of the year the service, no matter how badly needed it is, can not be furnished at all, and the employees will be discharged unless Congress comes to the rescue and supplies the money necessary to carry on the work.

Mr. McLAUGHLIN of Michigan. It would not mean that all the employees would have to quit their jobs, but only a part of them, and it seems to me if we got after these men who are guilty and who are responsible for this deficit it would be a good thing to clean up in that way.

Mr. GOOD. I will say to the gentleman that we have done that all the way through. Where an officer did not follow the law, and spent more money than was necessary, when he came back and asked for a fund sufficient to carry on the force according to his present organization we cut the estimate and compelled him to cut the force, thereby showing him the necessity for the enforcement of that law. But take the prohibition act. If we had not given any money at all, then for the months of May and June there would not be much left.

Mr. McLAUGHLIN of Michigan. I hope the suggestion made by the gentleman from Iowa will be carried out, and that those who are responsible for deliberately allotting this money in an improper way and deliberately creating deficits will be punished for it and wiped off the books.

Mr. TILSON. If there never has been an indictment under it, does not the gentleman think there ought to be one where by violating the law for a part of the year executive officers force Congress either to wink at that violation of the law or stop the necessary service of the Government?

Mr. MANN of Illinois. As a matter of fact has there been any technical violation of the law?

Mr. GOOD. Yes; I think there have been technical violations. The law provides that no executive department or other Government establishment of the United States shall expend, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract or other obligation for the future payment of money in excess of such appropriations unless such contract or obligation is authorized by law. Nor shall any department or any officer of the Government accept voluntary service for the Government or employ personal service in excess of that authorized by law, except in cases of sudden emergency involving the loss of human life or the destruction of property. All appropriations made for contingent expenses or other general purposes except appropriations made in fulfillment of contract

obligations expressly authorized by law, or for objects required or authorized by law without reference to the amounts annually appropriated therefor, shall, on or before the beginning of each fiscal year, be so apportioned by monthly or other allotments as to prevent expenditures in one portion of the year which may necessitate deficiency or additional appropriations to complete the service of the fiscal year for which said appropriations are made; and all such apportionments shall be adhered to and shall not be waived or modified except upon the happening of some extraordinary emergency or unusual circumstance which could not be anticipated at the time of making such apportionment, but this provision shall not apply to the contingent appropriations of the Senate or House of Representatives; and in case said apportionments are waived or modified as herein provided, the same shall be waived or modified by writing by the head of such executive department or other Government establishment having control of the expenditure, and the reasons therefore shall be fully set forth in each particular case and communicated to Congress in connection with estimates for any additional appropriations required on account thereof. Any person violating any provision of this section shall be summarily removed from office and may also be punished by a fine of not less than \$100 or by imprisonment for not less than one month.

Mr. MANN of Illinois. Was there not a waiver in this case?

Mr. GOOD. I do not think there was a waiver in this case at all. If there was a waiver, it was not communicated to Congress. The law provides that it shall be communicated to Congress and in that case there is a violation.

Mr. MANN of Illinois. In the estimates.

Mr. GOOD. In the estimate for the additional appropriations. Now, I will say to the gentleman that in the case of the Interstate Commerce Commission the transportation act threw additional burdens on that commission, equal almost to its original burden. It threw upon that commission the burden of looking into the question of the issuance of stocks and bonds and things of that kind. Now, Mr. Chairman Clark of that commission was unwilling to commence that work. He not only did not waive the allotment but he was unwilling to commence the work until Congress made the appropriation for the same, and in this bill we are carrying an appropriation for that. In the case of a great many of these appropriations there are waivers, but in a great many other cases no attention whatever is paid to that provision of the law that they shall make a waiver in writing and that that waiver shall be communicated to Congress.

Mr. MANN of Illinois. I was under the impression that in all of these cases they did comply with the law by making a waiver and including the waiver in the Book of Estimates.

Mr. GOOD. The gentleman knows that these appropriations for deficiencies do not come in the Book of Estimates. They come in as House documents, and that is where the waiver should come; but if the gentleman will look through them he will find in many of these cases that there is no waiver communicated to Congress as required by law, and I think it should be done.

Mr. MANN of Illinois. It could be communicated in the special estimate, or it could be communicated in the Book of Estimates, as far as that is concerned.

Mr. GOOD. Mr. Speaker, I yield five minutes to the gentleman from Minnesota [Mr. VOLSTEAD].

Mr. VOLSTEAD. Mr. Speaker, I want to say a word in reference to whether the prohibition unit in the Internal Revenue Bureau ought to be punished because it has permitted this deficiency. This was a new service; they were just building it up when it was discovered that the money already appropriated would not be sufficient. The Commissioner of Internal Revenue as soon as it was possible went to the chairman of the Appropriations Committee and called his attention to the fact that they were spending in excess of the appropriation and that it was necessary to do that. There was no objection on the part of the chairman; at least no objection appears in the hearing, though the chairman was present when this statement was made. The necessity of the service was explained, and so was the necessity for this additional money, and thus with the tacit, if not express, consent of the chairman he went on and formed this organization. It is not a case where an advantage has been taken of Congress. There is no question as to the situation. If this appropriation of \$1,200,000 shall stand, it means that about one-third of the field force, the police force that is absolutely inadequate to-day, must be discharged forthwith unless you pass another deficiency appropriation in the near future.

I have a letter from the prohibition commissioner calling my attention to the situation. It seems to me the House should understand what is going on. The chairman does not pretend that this money is sufficient and admits that many of the en-

forcement personnel must be discharged if this conference report is approved. Complaint is made that some of them are wet. There may be men in the service who ought to be discharged, but there is no pretense that the number of men are more than needed. Not at all; the fact of the matter is that the Commissioner of Internal Revenue and the prohibition commissioner insist that they have to have their present force. Everybody knows there is a constant complaint from every quarter that the force is not large enough. I want the House and the country to understand the situation. There is no pretense that they are appropriating enough for the service. They are turning it down, and propose to throw it down, and that is all there is to it.

Mr. UPSHAW. Did the gentleman go before the conferees and make a statement of the great need of this money?

Mr. VOLSTEAD. I was assured that I would have an opportunity to go before the conferees and explain the situation to them. I was given no such opportunity, but instead of that they simply went on and brought in this report, refusing to give this House an opportunity to be heard.

Mr. UPSHAW. Does not the gentleman think that that is playing with fire?

Mr. VOLSTEAD. I do not believe that the incoming administration can afford to take this stand. I do not believe that it ought to go before the country with the declaration that has been made by the chairman to-day that it is willing to have prohibition made a farce, because that is what is going to be done if this report is adopted. [Applause.]

Mr. GOOD. Mr. Speaker, I yield five minutes to the gentleman from Kentucky [Mr. BARKLEY].

Mr. BARKLEY. Mr. Speaker, when this bill was before the House a few days ago a deficiency appropriation of \$1,000,000 was provided for. The prohibition enforcement department was asking for \$1,400,000, and stated that unless that amount was appropriated it would be necessary to discharge some of the force of agents now scattered over the country enforcing the prohibition law. That argument had force in the Senate, and they adopted an amendment providing for \$1,400,000 as a deficiency appropriation to carry the prohibition enforcement on from now until the 30th of June, with the same force that it now has.

It is a notorious fact that there are not enough agents to enforce the law. In many States the agents of the Government are receiving no cooperation whatever from the States. I think in 10 States they have no enforcement law compelling the State officers to act with the Federal officers in that regard. It is a farce to undertake to enforce the law with one lonesome agent traveling over one, or, in some cases, two congressional districts as they do in many parts of the United States. The enforcement of the ordinary State laws requires a sheriff in every county and a police force in every community. But here we have only enough money to provide in some instances one agent to a congressional district, and in some cases one agent to two congressional districts. It is a notorious fact that one man can not enforce the law in such a large territory.

The prohibition commissioner states that there is no question but what it is a fact that if this amount is reduced from \$1,400,000, as provided in the Senate amendment, to \$1,200,000, that two or three or four hundred of these agents throughout the United States must be discharged. In the legislative, executive, and judicial appropriation bill there is \$7,500,000 provided for the enforcement of prohibition after the beginning of July 1 for the next fiscal year. This appropriation of \$1,400,000 is for the simple purpose of keeping the present force on the same basis until July 1, and then the legislative bill for \$7,500,000 is to support it for the next fiscal year.

If we reduce the amount and are compelled to discharge two or three hundred agents, the result is that for two or three months, from along about April until the 1st of July, there must be a serious reduction of the force, estimated by the prohibition commissioner at about one-third, and then after July 1 these men must be taken back or new men must be appointed in their places. So it seems to me the part of wisdom that we should keep the force intact, as it is now, so that the \$7,500,000 appropriation that will be available after the 1st of July will carry on the force without any interruption as it now exists.

The gentleman from Iowa [Mr. Good] states that some of these men who are in the force are incompetent, that some of them have paid no attention to their duties in some respects. That may be true, but that is not an indictment of the system; it is not an indictment of the law. If there are incompetent men, they should be fired, but that is no reason for crippling the department. We have appropriated already in this Congress \$5,000,000,000 for the next year. In the next legislative

year we have provided seven and a half million dollars, or 7 cents and a half for every man, woman, and child in the United States, to enforce an amendment that was put into the Constitution by an almost unanimous vote of the States.

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. GOOD. Mr. Speaker, I yield two more minutes to the gentleman from Kentucky.

Mr. BARKLEY. Mr. Speaker, it seems to me, if we are to pare expenses and are to practice economy, in which I have great sympathy, we ought not to begin economy by crippling and hamstringing a new department, which is honestly seeking to enforce an amendment to the Constitution of the United States. If the Speaker will recognize me for that purpose, I desire to move to recommit the conference report to the conference committee with instruction to the House conferees to concur in the amendment of the Senate providing for \$1,400,000 instead of \$1,200,000 provided in the conference report. This bill must go back to the conferees in any event, and there are other amendments that have to be agreed to, and there will be no loss of time in so far as the conference report is concerned by recommitting the report to the conference committee, nor so far as the passage of the bill is concerned. This enforcement division should not be curtailed and the enforcement of the law hampered, as will result if this conference report is agreed to as it now stands. [Applause.]

Mr. GOOD. Mr. Speaker, it will be necessary to discharge some of the men who are engaged as agents and paid out of this appropriation. The gentleman from Kentucky [Mr. Swor] on the floor of this House tells me that some of these agents during the recent campaign in Kentucky were out making speeches all of the time. I know that a great many of the 2,000 men who are empowered to enforce the prohibition law are not in favor of enforcing the prohibition act at all. I know and you know and everybody knows that these men are winking at the law, and every man here in the Chamber to-night knows the same thing. It is not even suggested that there be a strict enforcement, otherwise there would not have been issued permits to withdraw 40,000 gallons of spirits during the year.

Mr. UPSHAW. Mr. Speaker, will the gentleman yield?

Mr. GOOD. I have talked with some of you who favor larger appropriations for this purpose, and I have talked with even Wayne B. Wheeler who sends his commission to this House, and you have said to me, as has Mr. Wheeler, that there are more wets than there are dries engaged in this enforcement, and yet men will nod to Mr. Wheeler, just as they nod to Mr. Gompers, and vote money out of the Treasury at their command whether it is needed or not. I have refused to do that, and I still refuse, and I say to you that if we are going to do what the people of America, the taxpayers, want us to do we will answer to but one voice, and that is the voice of our own conscience. I can not find it in my conscience, believing as I do in the enforcement of prohibition, voting for the amendment, presiding over the deliberations of the committee when the bill was before the House, believing that the law should be enforced—I can not find it in my conscience to vote to take more money out of the Treasury for this purpose at this time, when we already know that too many men are paid out of this appropriation who are winking at violations of the law. Mr. Wheeler will tell you the same thing that was told to me. He told me there were more wets down in the bureau entrusted with the enforcement of prohibition than there are dries; and yet gentlemen come here and ask us to open up the Treasury of the United States and place more money in the hands of such men.

Mr. Speaker, we took this appropriation just as we have taken every estimate that came before us. We tried to look at it in a businesslike way, believing that the law ought to be enforced. There was not a man on the subcommittee on deficiencies who was not in favor of the most vigorous enforcement of this law. That has been the position all along. There has been no other suggestion before this committee, and I resent the charge that the Committee on Appropriations or its members have not been in favor of a vigorous enforcement of this law. We have given every penny that we believe this organization can expend for the rest of this year in a vigorous enforcement of the law, but it will require the dismissal of some men who ought to be dismissed.

I move the previous question on the conference report.

The SPEAKER. The question is on ordering the previous question on the conference report.

The previous question was ordered.

Mr. BARKLEY. Mr. Speaker, I move to recommit the conference report to the committee of conference with instructions to the House conferees to concur in Senate amendment No. 30.

Mr. TINKHAM rose.

The SPEAKER. Is the gentleman from Kentucky opposed to the bill?

Mr. BARKLEY. I am opposed to it in its present form.

The SPEAKER. For what purpose does the gentleman from Massachusetts rise?

Mr. TINKHAM. To offer a motion to recommit, being a member of the committee.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. TINKHAM. I am.

The SPEAKER. The Chair will recognize the gentleman from Massachusetts to offer his motion to recommit.

Mr. TINKHAM. Mr. Speaker, I offer the following motion to recommit, which I send to the desk.

The Clerk read as follows:

Mr. TINKHAM moves to recommit the conference report to the committee of conference with instructions to recede from the disagreement of the House to Senate amendment No. 30, and agree to the same with the following amendment: In lieu of the sum proposed in said amendment insert "\$1,100,000."

Mr. GOOD. Mr. Speaker, I move the previous question on the motion to recommit.

Mr. BARKLEY. Mr. Speaker, I desire to offer a motion to the motion to recommit.

The SPEAKER. The gentleman from Iowa moves the previous question, which is a preferential motion, of course.

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. BARKLEY and Mr. BLANTON. Division, Mr. Speaker.

The House divided; and there were—ayes 57, noes 51.

Mr. BARKLEY. Mr. Speaker, I ask for the yeas and nays.

Mr. BLANTON. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. It is clear there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 93, nays 205, not voting 130, as follows:

## YEAS—93.

Andrews, Md.	Goodall	McGlennon	Rosenberg
Babka	Greene, Vt.	McKinley	Rouse
Benson	Griffin	McLane	Sabath
Brand	Hicks	McLaughlin, Mich.	Sanford
Britten	Hull, Iowa	McPherson	Sherwood
Burke	Husted	MacGregor	Small
Burroughs	Jefferis	Magee	Snyder
Byrnes, S. C.	Juni	Mann, Ill.	Stephens, Ohio
Cannon	Keller	Martin	Tague
Carew	Kelley, Mich.	Mead	Tilson
Casey	Kettner	Merritt	Tinkham
Cleary	Klecza	Minahan, N. J.	Treadway
Crisp	Knutson	Moore, Ind.	Voigt
Cullen	Kraus	Newton, Mo.	Walsh
Curry, Calif.	Lampert	Nolan	Ward
Dempsey	Lea, Calif.	O'Connell	Wason
Dominick	Lee, Ga.	O'Connor	Watson
Dupré	Lehlbach	Ogden	Whaley
Evans, Mont.	Leshner	Patterson	White, Me.
Freeman	Linthicum	Pell	Winslow
Gallagher	Longworth	Phelan	Wood, Ind.
Gullivan	Lufkin	Radcliffe	
Glynn	McAndrews	Ramsay	
Good	McArthur	Ransley	

## NAYS—205.

Ackerman	Dale	Hastings	Luce
Almon	Darrow	Haugen	Luhning
Andrews, Nebr.	Davis, Tenn.	Hawley	McClintic
Ashbrook	Denison	Hayden	McDuffie
Aswell	Dickinson, Mo.	Hernandez	McFadden
Barbour	Dowell	Hickey	McKenzie
Barkley	Drewe	Hoch	McKeown
Bee	Drewry	Hoe	McLaughlin, Nebr.
Begg	Dunbar	Holland	McLeod
Benham	Echols	Howard	Major
Black	Elliott	Huddleston	Mansfield
Bland, Va.	Emerson	Hudspeth	Mapes
Blanton	Esch	Hull, Tenn.	Mays
Boies	Evans, Nebr.	Humphreys	Michener
Bowers	Fairfield	Hutchinson	Miller
Bowling	Ferris	Jacoway	Milligan
Box	Fess	Johnson, Ky.	Monahan, Wis.
Briggs	Fields	Johnson, Miss.	Moore, Va.
Brisson	Fish	Johnson, S. Dak.	Nelson, Mo.
Brooks, Ill.	Fisher	Jones, Pa.	Nelson, Wis.
Browne	Flood	Jones, Tex.	Newton, Minn.
Buchanan	Focht	Kearns	Oldfield
Butler	Foster	Kelly, Pa.	Oliver
Byrns, Tenn.	Frear	Kendall	Osborne
Campbell, Kans.	French	Kiess	Overstreet
Cantrill	Fuller	Kincheloe	Padgett
Caraway	Gandy	King	Palge
Carss	Garrett	Kinkaid	Park
Carter	Goodykoontz	Langley	Parker
Chindblom	Graham, Ill.	Langham	Parrish
Christopherson	Green, Iowa	Lankford	Purnell
Cole	Greene, Mass.	Larsen	Quin
Collier	Griest	Layton	Raker
Connally	Hadley	Lazaro	Ramseyer
Cramton	Hardy, Colo.	Little	Randall, Calif.
Currie, Mich.	Hardy, Tex.		Randall, Wis.

Rayburn  
Reed, N. Y.  
Reed, W. Va.  
Rhodes  
Ricketts  
Riddick  
Robinson, N. C.  
Robison, Ky.  
Romjue  
Rose  
Sanders, Ind.  
Schall  
Shreve  
Sims  
Sinclair  
Sinnott

Sisson  
Smith, Idaho  
Smith, Ill.  
Smith, Mich.  
Smithwick  
Steagall  
Stedman  
Steenerson  
Stephens, Miss.  
Stevenson  
Stoll  
Strong, Pa.  
Summers, Wash.  
Sumners, Tex.  
Sweet  
Swindall

Swope  
Taylor, Ark.  
Taylor, Colo.  
Taylor, Tenn.  
Temple  
Thompson  
Tillman  
Timberlake  
Tinchier  
Upshaw  
Valle  
Venable  
Volstead  
Walters  
Watkins  
Weaver

Welling  
White, Kans.  
Williams  
Wilson, La.  
Wilson, Pa.  
Wingo  
Woods, Va.  
Woodyard  
Wright  
Yates  
Young, N. Dak.  
Young, Tex.  
Zihlman

## NOT VOTING—130.

Anderson	Doughton	Kahn	Riordan
Anthony	Dunn	Kennedy, Iowa	Rogers
Ayres	Dyer	Kennedy, R. I.	Rowan
Bacharach	Eagan	Kitchin	Rowe
Baer	Eagle	Kreider	Ruby
Bankhead	Edmonds	Lonergan	Rucker
Bell	Ellsworth	McCulloch	Sanders, La.
Bland, Ind.	Elston	McKiniry	Sanders, N. Y.
Bland, Mo.	Evans, Nev.	Madden	Scott
Brooks, Pa.	Fordney	Maher	Scully
Brumbaugh	Ganly	Mann, S. C.	Sears
Burdick	Gard	Mason	Sells
Caldwell	Garner	Mondell	Siegel
Campbell, Pa.	Godwin, N. C.	Montague	Slemp
Candler	Goldfogle	Moon	Smith, N. Y.
Clark, Fla.	Goodwin, Ark.	Mooney	Snell
Clark, Mo.	Gould	Moore, Ohio	Steele
Classon	Graham, Pa.	Morin	Stiness
Coady	Hamill	Mott	Strong, Kans.
Cooper	Hamilton	Mudd	Sullivan
Copley	Harrell	Murphy	Thomas
Costello	Harrison	Neely	Towner
Crago	Hays	Nicholls	Vare
Crowther	Hersey	Olney	Vestal
Dallinger	Hersman	Perlman	Vinson
Davey	Hill	Peters	Volk
Davis, Minn.	Houghton	Porter	Webster
Dent	Hulings	Pou	Welty
Dewalt	Igoe	Rainey, Ala.	Wheeler
Dickinson, Iowa	Ireland	Rainey, Henry T.	Wilson, Ill.
Donovan	James, Mich.	Rainey, John W.	Wise
Dooling	Johnson, Wash.	Reavis	
Doremus	Johnston, N. Y.	Reber	

So the previous question was rejected.

The Clerk announced the following additional pairs:

On the vote:

Mr. DYER (yea) with Mr. MOORE of Ohio (nay).

Until further notice:

Mr. MONDELL with Mr. BELL.

Mr. TOWNER with Mr. MONTAGUE.

Mr. ANTHONY with Mr. DEWALT.

Mr. SLEMP with Mr. HENRY T. RAINY.

Mr. HARRELD with Mr. IGOE.

Mr. MURPHY with Mr. VINSON.

Mr. WEBSTER with Mr. AYRES.

Mr. REBER with Mr. CAMPBELL of Pennsylvania.

Mr. STRONG of Kansas with Mr. WISE.

Mr. ELSTON with Mr. HARRISON.

Mr. KAHN with Mr. DENT.

Mr. IRELAND with Mr. COADY.

Mr. DALLINGER with Mr. BANKHEAD.

Mr. ANDERSON with Mr. WELTY.

Mr. STINESS with Mr. RUCKER.

Mr. KREIDER with Mr. EAGAN.

Mr. DAVIS of Minnesota with Mr. GARD.

Mr. McCULLOCH with Mr. DONOVAN.

Mr. SANDERS of New York with Mr. CALDWELL.

Mr. BLAND of Indiana with Mr. BLAND of Missouri.

Mr. JOHNSON of Washington with Mr. SCULLY.

Mr. HERSEY with Mr. GODWIN of North Carolina.

Mr. EDMONDS with Mr. McKINIRY.

Mr. HAYS with Mr. DOUGHTON.

Mr. SCOTT with Mr. HERSMAN.

Mr. COOPER with Mr. SANDERS of Louisiana.

Mr. GOULD with Mr. SULLIVAN.

Mr. DUNN with Mr. JOHN W. RAINY.

Mr. CRAGO with Mr. POU.

The result of the vote was announced as above recorded.

Mr. BARKLEY. Mr. Speaker, I offer the following amendment to the motion to recommit.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Mr. BARKLEY offers the following amendment to Mr. TINKHAM's motion to recommit: Moves to recommit the conference report to the conferees with instructions to the House conferees to recede from their disagreement to Senate amendment No. 30, and to agree to the same.

The SPEAKER. The gentleman offers that as a substitute, I suppose?

Mr. BARKLEY. Yes. And on that I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment offered by way of substitute.

The amendment was agreed to.

The SPEAKER. The question is on the motion of the gentleman from Massachusetts [Mr. TINKHAM] to recommit as amended.

The motion to recommit as amended was agreed to.

Mr. GOOD. Mr. Speaker, I ask unanimous consent to have until 12 o'clock midnight to file a conference report. Otherwise it can not be called up.

The SPEAKER. Upon this bill?

Mr. GOOD. H. R. 15962.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

#### COLD-STORAGE FOODS IN INTERSTATE COMMERCE—CONFERENCE REPORT.

Mr. HAUGEN. Mr. Speaker, I call up the conference report on the bill H. R. 9521.

The SPEAKER. The gentleman from Iowa calls up a conference report, which the Clerk will report.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9521) to prevent hoarding and deterioration of and deception with respect to cold-storage foods, to regulate shipments of cold-storage foods in interstate commerce, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"That this act may be cited as the 'United States cold-storage act.'"

"SEC. 2. Whenever used in this act—

"(a) The term 'person' includes an individual, partnership, corporation, or association;

"(b) The term 'commerce' means commerce among the several States or between any State, Territory, or the District of Columbia and any foreign nation, or between any Territory or the District of Columbia and any State, or between any Territory and any other, or between any Territory and the District of Columbia, or within any Territory or the District of Columbia, or between points in the same State but through any other State or any Territory or the District of Columbia or any foreign nation;—

"(c) The term 'cold storage' means the storage or keeping of any article of food at or below the temperature of 45° above zero (Fahrenheit) in a cold-storage warehouse; but does not include the first 10 days of the time during which the article of food is so stored or kept;

"(d) The term 'article of food' means—

"(1) Meat, meat products (including all edible portions of food animals), poultry, and game whether drawn or undrawn, poultry products, game products, fish, fish products, shellfish, oysters, and clams;—if fresh, cooked, prepared, cured, or frozen;

"(2) Eggs or portions thereof;—if in shell, dried, or frozen;

"(3) Butter, oleomargarine, lard, lard substitutes, butter substitutes, and cheese;

"(4) Oils for food purposes; and

"(5) Milk, evaporated or powdered;—

but does not include any such article not intended or designed for food purposes which is plainly and conspicuously marked in such manner as correctly to show the fact in accordance with such regulations as the Secretary of Agriculture shall prescribe;

"(e) The term 'cold-storage warehouse' means any place, including a car, vessel, or other vehicle, in which the temperature is artificially cooled to or artificially maintained at or below 45° above zero (Fahrenheit); but does not include a place used exclusively for storage of any article of food for the sole use of the occupant, owner, or maintainer thereof (1) for consumption by himself or his family or guests, or (2) in his business of serving meals, or (3) in connection with his retail business only, except that such place shall, in respect to any article of food held therein for more than 30 days in connection with such retail business, be deemed a cold-storage warehouse for the whole of the period of storage therein of such article;

"(f) The term 'warehouseman' includes any person maintaining or operating a cold-storage warehouse; and any person who rents and controls a room or space therein; and

"(g) The term 'mark' includes stamp, brand, tag, and label, and the term 'marked' includes stamped, branded, tagged, and labeled.

"SEC. 3. (a) It shall be unlawful for any person to ship, deliver for shipment, sell, or offer for sale, in commerce, any article of food that is or has been in cold storage, or to hold in cold storage in commerce any article of food, or, having received in commerce, to sell or offer for sale, in the original, unbroken package any article of food that is or has been in cold storage, unless such article of food is plainly and conspicuously marked, in accordance with this act and the regulations thereunder, in such manner as correctly to show (1) the words 'Cold storage,' except that these words may be removed immediately preceding a sale for consumption before the expiration of 30 days following the date when such article of food was first placed in cold storage, (2) all the dates when put in and when taken out of cold storage, except that if the Secretary of Agriculture finds it to be commercially impracticable to mark any article of food with the exact date, the day, but not the month or year, may be omitted, in which case the date when the article of food is placed in cold storage shall for the purposes of this act be deemed the first day of the month, and (3) the names and locations of all the cold-storage warehouses in which stored, or suitable distinguishing designations thereof approved by the Secretary of Agriculture for the purpose.

"(b) If any article of food which is required by subdivision (a) of this section to be marked is subdivided, or is in or is placed in a container, or is transferred to a different container, the person who is liable under this act for any failure to have such article of food marked, shall mark the subdivision or the container thereof in the same manner as provided by subdivision (a).

"(c) If (1) an article of food that has not been held in cold storage is mixed or mingled with an article of food, whether or not of the same kind, that is or has been held in cold storage, or (2) the containers of such articles of food are mixed or mingled, or (3) an article of food that is or has been held in cold storage is mixed or mingled with an article of food, whether or not of the same kind, that is or has been held in cold storage during a different period of time, or (4) the containers of such articles of food are mixed or mingled; then for the purposes of subdivisions (a) and (b) of this section and for the purposes of section 6, the dates required to be placed upon the article of food, if any, resulting from such mixing or mingling, or upon the containers so mixed or mingled, and from which the 12 months' period referred to in section 6 is to be computed, shall be those of that one of such articles of food which was first placed in cold storage, and the names and locations of cold-storage warehouses shall be those of all such warehouses in which each of such articles of food is or has been held in cold storage.

"SEC. 4. If the Secretary of Agriculture finds that the proper and customary manner of handling any article of food is such that it is commercially impracticable to mark the same or the container thereof in accordance with this act, the person otherwise required under this act to have the same so marked shall furnish or display, as the Secretary of Agriculture may require, to the receiver of such article of food a written statement, or an invoice or bill of lading or other shipping document, which shall describe such article of food, shall correctly state the facts otherwise required by this act to be marked, in the manner prescribed in the regulations under this act, and shall be preserved and be subject to examination by an officer, employee, or agent duly authorized under this act, for such reasonable length of time as the Secretary of Agriculture deems necessary for the purposes of this act; except that, in the case, under this section, of a sale at retail to the consumer, the facts required by clauses (2) and (3) of subdivision (a) of section 3 may be omitted unless otherwise requested by such consumer.

"SEC. 5. Except as otherwise permitted by this act, it shall be unlawful for any person (a) to alter, mutilate, destroy, obscure, obliterate, or remove any mark required by this act to be placed on any article of food or the container thereof, while it is in commerce or, having been transported in commerce, remains unloaded, unsold, or in the original, unbroken package, or (b) to alter, mutilate, destroy, obscure, or obliterate any statement, invoice, or document or portion thereof, required to be furnished or displayed, during the time the same is required to be preserved under section 4.

"SEC. 6. It shall be unlawful for any person to ship, deliver for shipment, sell, or offer for sale, in commerce, or to hold in cold storage in commerce, any article of food, or having received

in commerce, to sell or offer for sale, in the original, unbroken package any article of food, after the expiration of 12 months following the date when such article of food was first placed in cold storage; except (1) that the Secretary of Agriculture may in such instances in respect to frozen eggs and portions thereof as he deems advisable, extend such period of time to not more than 18 months following the date when such eggs or portions thereof were first placed in cold storage, and (2) that the above provisions of this section shall not apply to cheese held for the purpose of ripening and improving the quality thereof.

"Sec. 7. The provisions of sections 3, 4, 5, and 6 shall not apply to any article of food shipped or sold or delivered for shipment to any foreign country, if in respect to the requirements of such section the article of food complies with the specifications and directions of the purchaser or consignee in such foreign country and is not in contravention of the laws of such country; but if the article of food be not actually exported this section shall not exempt such article of food from the operation of sections 3, 4, 5, and 6.

"Sec. 8. (a) No person shall receive in commerce any article of food for cold storage after the cold-storage warehouse in which it is to be stored is found by the Secretary of Agriculture, after due notice and hearing, to be insanitary or otherwise unfit for the storage of any such article of food. Such finding shall remain in force until the Secretary shall, after further hearing, determine that such condition has been remedied.

"(b) No person shall receive in commerce any article of food for cold storage in a cold-storage warehouse if such person has refused inspection, when requested under this act, of such warehouse; nor shall any person ship in commerce any article of food if he has refused inspection of such article of food when requested under this act.

"Sec. 9. In order to carry out the provisions of this act, the Secretary of Agriculture or any officer, employee, or agent specifically authorized by him in writing for the purpose may, on any business day during the usual hours of business, enter any cold-storage warehouse which receives, or from which is shipped or delivered, any article of food, in commerce, and may inspect such warehouse and the contents thereof, and any statements, books, papers, letters, or documents relating thereto.

"Sec. 10. (a) In order to carry out the provisions of this act and to provide information for the Congress, every warehouseman shall keep such records and accounts and make such reports, in such manner or form, verified under oath or otherwise, monthly and at such other times as the Secretary of Agriculture may require, as to the amounts, kinds, and ownership of any foodstuffs received, held, transported, or delivered by such warehouseman, loans made by such warehouseman upon the security of such foodstuffs, charges made by such warehouseman for storage and other services rendered by him, and the size or capacity of his warehouse. Any information obtained by the Secretary of Agriculture under this act shall be available for the use of either House of Congress, and the Secretary of Agriculture shall cause such information as may be of public interest to be published from time to time.

"(b) No person shall willfully (a) fail or refuse to make full and true entries or make any false entry in the accounts or records of his business required to be kept pursuant to this section, or (b) alter, mutilate, conceal, or destroy any such account or record, or (c) make any report required under this section which is false or fraudulent in any material particular, or (d) fail or refuse to make any report required under this section.

"Sec. 11. No person shall willfully hinder, obstruct, or resist the Secretary of Agriculture or any duly authorized officer, employee, or agent in the performance of his duties under this act.

"Sec. 12. Any person who violates any provision of sections 3, 4, 5, 6, 8, 10, 11, or 16 shall upon conviction thereof be punished by a fine not exceeding \$1,000 or imprisonment not more than one year, or both. After judgment of any court with respect to any violation of this act, the Secretary of Agriculture may give notice thereof by publication in such manner as he by regulation may prescribe. A person shall not be prosecuted for any violation of sections 3, 4, and 6, resulting from the act, omission, or failure of any other person not acting for or employed by him, prior to the time when the article of food involved came into his possession or control, if he shows that such violation was not knowingly committed by him and also (except in such cases as the Secretary of Agriculture deems necessary and advisable and shall by regulation prescribe), establishes a written guaranty signed by such other person who shall be a resident of the United States, from whom he obtained the possession or control of such article of food, to the effect that such article of food has not been in cold storage or that if it has

been in cold storage and is apparently marked or represented in accordance with subdivision (d) of section 2 or sections 3 or 4 the marks or representations are true. The guaranty shall contain the address of the person required to sign it, and such person shall be amenable to the prosecution, fine, penalty, or imprisonment which would otherwise attach to the person to whom he delivered the possession or control of the article of food.

"Sec. 13. (a) When construing and enforcing the provisions of this act, the act, omission, or failure of any person acting for or employed by any individual, partnership, corporation, or association, within the scope of his employment or office, shall in every case also be deemed the act, omission, or failure of such individual, partnership, corporation, or association, as well as of such person.

"(b) If any person acting for or employed by any individual, partnership, corporation, or association, negligently or willfully omits personally to perform any necessary act or properly to supervise or apportion duties among his subordinates, in the execution of the authority or functions vested in him, and by reason of such omission a violation of this act directly results, he shall be liable to all the penal and other provisions of this act with respect to such violation; but nothing in this subdivision shall be held to relieve the individual, partnership, corporation, or association from such provisions.

"(c) The provisions of this section shall be held to extend and not to limit the application of section 37 or 332 of the act entitled 'An act to codify, revise, and amend the penal laws of the United States,' approved March 4, 1909, as amended.

"Sec. 14. (a) Whenever in the case of any article of food being offered for importation, the Secretary of Agriculture has reason to believe that any provision of this act is being violated with respect to such article of food, he shall give due notice and opportunity for hearing thereon to the owner or consignee, and certify such fact to the Secretary of the Treasury, who shall thereupon (1) refuse admission and delivery to the consignee of such article of food, or (2) deliver such article of food to the consignee pending examination, hearing, and decision in the matter on the execution of a penal bond to the amount of the full invoice value of such article of food, together with the duty thereon, if any, and to the effect that on refusal to return such article of food for any cause to the Secretary of the Treasury when demanded, for the purpose of excluding it from the country or for any other purpose, the consignee shall forfeit the full amount of the bond.

"(b) If, after proceeding in accordance with subdivision (a) of this section, the Secretary of Agriculture is satisfied that any provision of this act is being violated with respect to such article of food, he shall certify the fact to the Secretary of the Treasury, who shall thereupon notify the owner or consignee and cause the sale or other disposition of such article of food refused admission and delivery or entered under bond, unless it is exported by the owner or consignee within three months from the date of such notice, under such regulations as the Secretary of the Treasury may prescribe. All charges for storage, cartage, or labor on any such article of food which is refused admission or delivery or is entered upon bond shall be paid by the owner or consignee.

"Sec. 15. Whenever it appears that any article of food in cold storage in commerce is in such condition that it is likely immediately to become or is unsound, unwholesome, or unfit for food, the Secretary of Agriculture may cause the immediate seizure of such article of food and thereupon shall at once cause notice of the facts to be given to the United States district attorney for the district in which the article of food is seized. Such district attorney shall proceed without delay against such article of food in any court of the United States in such district for confiscation by process of libel for condemnation. If in the opinion of the court the article of food is in such condition that it is likely immediately to become or is unsound, unwholesome, or unfit for food, it shall be immediately disposed of by destruction or sale as the court shall direct, but such disposition shall not be contrary to any law of the United States, or of the State, Territory, or District where such destruction or sale takes place. The proceeds of any sale under this section, less legal costs and charges, shall be paid to the person entitled thereto. The proceedings in such libel for condemnation shall conform as nearly as may be to proceedings in admiralty and shall be at the suit and in the name of the United States. For the purposes of this section the Secretary of Agriculture may cause investigations, inspections, analyses, and tests to be made and samples to be collected of any article of food in commerce. The Department of Agriculture shall pay to the person entitled, upon his request, the reasonable market value of any such samples.

"Sec. 16. The Secretary of Agriculture is authorized to designate in writing specifically officers, employees, and agents of the Department of Agriculture to administer oaths for the purpose of this act. All such officers, employees, and agents are authorized and empowered to administer to or take from any person an oath, affirmation, or affidavit for the purposes of this act, or for use in prosecutions or proceedings thereunder. Any such oath, affirmation, or affidavit, authenticated by the official seal of the Department of Agriculture, shall, when offered for use in any proceeding under this act or in any court of the United States, have like force and effect as if administered or taken by or before the clerk of such court, without further proof of the identity or authority of such officer, employee, or agent. No such officer, employee, or agent shall demand or accept any fee or compensation whatsoever for administering or taking any oath, affirmation, or affidavit under the authority conferred by this act.

"Sec. 17. For the enforcement of this act, the sum of \$200,000 is hereby appropriated, to be available until expended, out of any moneys in the Treasury not otherwise appropriated, and the Secretary of Agriculture (a) is authorized to prescribe and promulgate such regulations as may be necessary; (b) may cooperate with any department or agency of the Government, any State, Territory, District, or possession, or department, agency, or political subdivision thereof, or any person; and (c) shall have the power to appoint, remove, and fix the compensation of such officers and employees, not in conflict with existing law, and make such expenditures for rent outside the District of Columbia, printing, telegrams, telephones, law books, books of reference, periodicals, furniture, stationery, office equipment, travel, and other supplies and expenses as shall be necessary to the administration of this act in the District of Columbia and elsewhere.

"Sec. 18. This act shall take effect and be in force from and after its passage; but no penalty, fine, forfeiture, or imprisonment shall be enforced for any violation occurring within 90 days after its passage.

"Sec. 19. No provision of this act shall be deemed to repeal or limit the operation of any provision of any other act of Congress, unless directly in conflict therewith.

"Sec. 20. If any provision of this act or the application of such provision to certain circumstances is held unconstitutional, the remainder of the act and the application of such provision to circumstances other than those as to which it is held unconstitutional shall not be affected thereby."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate insert the following:

"An act to prevent hoarding and deterioration of, and deception with respect to, cold-storage foods; to regulate shipments of cold-storage foods in interstate and foreign commerce; and for other purposes."

And the Senate agree to the same.

G. N. HAUGEN,  
J. C. McLAUGHLIN,  
JAMES YOUNG,

*Managers on the part of the House.*

A. J. GRONNA,  
E. D. SMITH,

*Managers on the part of the Senate.*

#### STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9521) to prevent hoarding, deterioration of and deception in respect to cold-storage foods, to regulate shipments of cold-storage foods in interstate commerce, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and submitted in the accompanying conference report.

The amendment of the Senate strikes out all after the enacting clause in the House bill. The House recedes from its disagreement therewith with an amendment which is a substitute for the Senate amendment:

Section 1: This section gives the short title of the bill, "United States cold-storage act." The title is the same in the House bill and the Senate amendment.

Section 2: This section contains the definitions:

(a) The House bill defines "person" to include an individual, partnership, corporation, and association. The Senate bill varies the language describing associations. The subdivision as agreed to by the conferees retains the House language.

(b) The House bill defines "commerce" so as to include interstate and foreign commerce. The Senate amendment and the subdivision as agreed to by the conferees retains the House definition.

(c) The House bill defines "cold storage" to include all storage in a cold-storage warehouse. The Senate amendment limits such storage to storage at or below the temperature of 45° above zero Fahrenheit in the warehouse and excludes storage space used for chilling or precooling for not more than 30 days for manufacture, sale, or transportation. The subdivision as agreed to by the conferees retains the Senate provision with the exception of verbal changes and the reduction of the period of 30 days to 10 days.

(d) The House bill defines "article of food" to include all foods except liquids, no matter what their condition or form. The Senate amendment limits the definition to fresh meat, including all fresh edible portions of food animals, fresh fish, fresh poultry drawn or undrawn, fresh game, eggs in shell or frozen, butter, oleomargarine, and butter substitutes. The subdivision as agreed to by the conferees makes verbal changes and adds to the Senate list cooked, prepared, cured, or frozen meats, meat products, fish, fish products, poultry products, and game products, and also shellfish, oysters, clams, dried eggs, lard, lard substitutes, cheese, oils for food purposes, and milk in other than in liquid form.

(e) The House bill defines "cold-storage warehouse" as any establishment artificially cooled to or below the temperature of 45° above zero Fahrenheit, and excludes from the definition an establishment used exclusively for the storage of food for the sole use of the owner for consumption by himself or his family or guests, in connection with his business of serving meals or his retail sale business. The House bill also excludes refrigerator vehicles from its definition of cold-storage warehouse; but a separate definition was provided bringing "refrigerator vehicles" within the act and including in the term any car, vessel, or other vehicle. The Senate amendment excludes refrigerator vehicles completely from its definition of cold-storage warehouse, and thereby from the act, and also excludes places used for chilling or precooling for manufacture, sale, or transportation. The Senate amendment limits the exception as to places used for storage in connection with retail sale business to places so used in respect to any particular article of food for 30 days only. The subdivision as agreed to by the conferees retains the provisions of the House bill including refrigerator vehicles and not exempting chilling and precooling space and the provisions of the Senate amendment limiting the exception as to retail sale business to 30 days.

(f) The House bill defined "warehouseman" to include any person owning a warehouse or renting or controlling any space therein. The Senate amendment contained no such provision. The subdivision as agreed to by the conferees retains the House provision.

(g) The House bill defines the term "mark" to include stamp, brand, tag, and label, and the term "marked" to include stamped, branded, tagged, and labeled. The Senate amendment and the subdivision as agreed to by the conferees contains this provision with verbal alterations.

Section 3: The House bill makes it unlawful for any person to ship or hold in interstate or foreign commerce an article of food that is or has been in cold storage, unless marked with the words "Cold Storage," the dates when placed in and taken out of cold storage, and the names of the warehouses in which stored. The House bill further permits the removal of the words "Cold Storage" if the article is sold to the consumer within 30 days after it is first placed in cold storage, and makes provision as to the adjustment of marks in case of the commercial impracticability in marking any particular type of food, the mixing or intermingling of the articles of food, the subdivision of an article of food, or the placing of it in a container. The Senate amendment contains similar provisions with many verbal changes, and provides that the words "Cold Storage" may be omitted in the first place, as well as removed, in case an article of food is sold within 30 days after it is first placed in cold storage. Further, the Senate amendment did not limit such sale to the consumer. The section as agreed to by the conferees retains the House provision permitting removal but not the omission of marks in case of sale within 30 days after the article of food is first placed in cold storage, and also retains the provision of the House bill limiting such sale to the consumer. The section as agreed to by the conferees also retains, with the verbal changes necessary for clarification and rearrangement, the provisions of the House bill and the Senate amendment with respect to the commercial impracticability of making marks and the adjustment of marks in case of mixing or intermingling, subdivision, or placing in a container.

Section 4: The House bill provides that in case it is found commercially impracticable to mark any article of food or container, then the Secretary of Agriculture may permit a written statement or document accompanying the article of food to state the required facts as to the times and places of storage. The Senate amendment contains a similar provision with verbal changes and the limitation that in case of a sale to a consumer the dates and the names of the warehouses but not the words "Cold Storage" may be omitted from the statement or document. The section as agreed to by the conferees retains the Senate provision.

Section 5: The House bill makes it unlawful to alter or destroy any marks upon cold-storage food while in interstate or foreign commerce. The Senate amendment has a similar provision, which is retained in the section as agreed to by the conferees.

Section 6: The House bill makes it impossible for any person to ship in interstate or foreign commerce an article of food except cheese after the expiration of 12 months from the time when it was first placed in cold storage. The Senate amendment contains a similar provision, omitting the exception as to cheese, but providing different time limitations and restrictions in respect to imported eggs. The section as agreed to by the conferees retains the House provision with exceptions as to cheese and permits the Secretary of Agriculture to extend, in his discretion, the time limit from 12 to not more than 18 months for frozen eggs.

Section 7: The House bill exempts from the requirements of the act articles of food shipped in compliance with specifications and directions of foreign purchasers. The Senate amendment and section as agreed to by the conferees retains the same provision.

Section 8: The House bill prohibits the placing of articles of food in a warehouse found insanitary by the Secretary of Agriculture, after due notice and hearing. The Senate amendment has no provision upon this subject. The section as agreed to by the conferees retains the House provision with verbal changes.

Section 9: The House bill permits any authorized officer of the Department of Agriculture to inspect a warehouse, its contents, and books relating thereto. The Senate amendment and the section as agreed to by the conferees retain the same provision.

Section 10: The House bill requires monthly reports by each warehouseman as to the amounts of food and their ownership held in cold storage by him. The Senate amendment leaves the time of such reports to the discretion of the Secretary of Agriculture and extends the subject matter of the reports to the charges for the warehouseman's services and the loans made upon the security of foodstuffs stored. The section as agreed to by the conferees retains the Senate provision, together with the House requirement of monthly reports.

Section 11: The House bill forbids the obstruction of the Secretary of Agriculture or his officers in the performance of duties under the act. The Senate amendment and the section as agreed to by the conferees retains the same provision.

Section 12: The House bill provides a penalty of \$1,000 or imprisonment for one year or both for violation of the act, but exempts from liability any person whose act, omission, or failure in violation thereof results from his reliance in good faith upon the act, omission, or failure of any other person with respect to marks or absence of marks upon the article of food or container. The Senate amendment provides the same penalties, but requires a guaranty certificate from previous holders of the article of food, in order to be exempt from liability because of their errors as to marking. The section as agreed to by the conferees retains the provision of the Senate amendment with verbal changes, and a provision permitting the Secretary of Agriculture to omit the guaranty certificate if he deems it advisable.

Section 13: The House bill and the Senate amendment contain comprehensive provisions varying in detail and language as to the liability of corporate officers for acts of their subordinates and of the corporation itself for the acts of its officers. The section as agreed to by the conferees contains a clarifying substitute to the same general effect for both the House and Senate provisions.

Section 14: The House bill provides for the exclusion from this country of imported articles improperly marked or otherwise shipped in violation of the law. The Senate amendment and the section as agreed to by the conferees retain the same provision.

Section 15: The House bill provides for the seizure and condemnation, by proceedings in rem, of articles of food held in cold storage which are likely immediately to become or are

unsound, unwholesome, or unfit for food. The Senate amendment has no provision upon this subject. The section as agreed to by the conferees retains the House provision with verbal changes.

Section 16: The House bill provides that oaths and affidavits administered by officers of the Department of Agriculture may be used in court proceedings without further proof of the identity or authority of such officer. The Senate amendment and the section as agreed to by the conferees retains the same provision.

Section 17: The House bill provides for appointments and expenditures for the administration of the act, the issuance of regulations by the Secretary of Agriculture, cooperation with State agencies, and makes an appropriation of \$50,000 for the fiscal year. The Senate amendment varies the House provision in extending the appropriation to \$200,000, to be available until expended, and omits a requirement that preference in appointments be given to members of the military and naval forces. The section as agreed to by the conferees adopts the Senate provision.

Section 18: The House bill provides that no penalty shall be enforced for a violation occurring within 90 days after the passage of the act. The Senate amendment and the section as agreed to by the conferees retains the same provision.

Section 19: The House bill provides that the United States cold-storage act shall not be deemed to repeal or limit the operation of any other act of Congress unless directly in conflict therewith. The Senate amendment and the section as agreed to by the conferees retains the same provision.

Section 20: The House bill contains a provision as to the separability of the provisions of the act in case of the unconstitutionality of one provision. The Senate amendment and the section as agreed to by the conferees retains the same provision.

Amendment to the title: The Senate amendment amends the title so as to refer to foreign as well as interstate commerce. The title as agreed to by the conferees retains the Senate provision.

G. N. HAUGEN,  
J. C. McLAUGHLIN,  
JAMES YOUNG,

*Managers on the part of the House.*

Mr. HAUGEN. Mr. Speaker, among the controverted questions in the two bills is the definition of the "articles of food." The House bill defines "articles of food" to include all foods except liquids. The Senate amendment limits the definition to fresh meat, including all fresh edible portions of food animals, fresh fish, fresh poultry drawn or undrawn, fresh game, eggs in shell or frozen, butter, oleomargarine, and butter substitutes. By excluding the cooked, prepared, cured, or frozen meats, and so forth, as suggested by the Senate, it would practically eliminate about 95 per cent of the articles that enter into cold storage. It would seem that to write a bill excluding 95 per cent would, of course, not meet the requirements. In that matter there is a compromise.

The other contention is as to the time limit. Objection has been made to the 10 days' limit for marking the goods. There seems to be a misconception as to this provision of the bill. The bill allows 10 days for marking articles of food for shipment, and if they are sold to a retailer the retailer has 30 days in which to dispose of the article without marking. If the article goes into cold storage, however, and it is withdrawn within 30 days after the 10 days first allowed, the mark may be removed.

Mr. McCLINTIC. Will the gentleman yield?

Mr. HAUGEN. I will.

Mr. McCLINTIC. I want to ask the gentleman a question. In case a shipment from California or anywhere in the Southwest did not reach its destination until 12 days had elapsed, what effect would this law have upon that shipment?

Mr. HAUGEN. If over 10 days, it would have to be marked unless sold to a retailer. If sold to a retailer, no mark would be required, for a retailer has 30 days in which to dispose of it.

Mr. McCLINTIC. But even if it took over the 10 days' limit to reach destination—

Mr. HAUGEN. On page 2, subdivision (e):

The term "cold-storage warehouse" means any place \* \* \* in which the temperature is artificially cooled \* \* \* but does not include a place used exclusively for storage \* \* \* in connection with his retail business \* \* \* held therein for more than 30 days.

On page 1, subdivision (c):

The term "cold storage" means the storage or keeping of any article of food at or below the temperature of 45° above zero (Fahrenheit) in a cold-storage warehouse; but does not include the first 10 days of the time during which the article of food is so stored or kept.

Hence, the producer has 10 days to ship and sell to the retailer. The retailer has 30 days to sell to the consumer; all told, 40 days before marking is required.

Section 3 provides that the words "cold storage" may be removed immediately preceding a sale for consumption if before the expiration of 30 days following the date when such article of food was first placed in cold storage. In that way 10 days are given for cooling and transportation and 30 days are given to the cold storage by the jobber to sell to the consumer with the privilege of removing the mark.

Mr. RAKER. Will the gentleman yield?

Mr. HAUGEN. I will.

Mr. RAKER. For instance, a shipload of oranges and lemons was sent from California a month or so ago around by the way of the Panama Canal and it reached Baltimore in 21 days. If during that time they were in cold storage, would that be applicable to this bill?

Mr. HAUGEN. We have left fruits out entirely. They are not included in the bill.

Mr. DAVIS of Tennessee. Will the gentleman yield?

Mr. HAUGEN. I will.

Mr. DAVIS of Tennessee. Some of the produce dealers are protesting against this provision on the theory that it would take them several days to assemble, we will say, a carload of eggs, and at the time it reached destination in Chicago, Philadelphia, or New York the 10 days' limit would have expired, so that it would be necessary for them to be marked for storage; and then it gives the wholesale purchaser an advantage, in that while he can remove the storage mark if sold within 30 days, yet the small retailer is compelled to sell those eggs as cold-storage products.

Mr. HAUGEN. Objection is made by some to all marking whatsoever. Some believe that food products should be marked the first day they enter cold storage, some that they should be marked months afterwards, and others contend all marking is unnecessary. As the bill passed the House it required the marking the first day the product was placed in cold storage. The conference report gives 10 days for shipment and 30 days for sale by the retailer before marking is required. And if the foods are placed in cold storage and are removed from cold storage within 30 days the mark can be removed, giving altogether 40 days' time in which to dispose of them.

Mr. SUMMERS of Washington. Mr. Speaker, will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. SUMMERS of Washington. Did not the bill as it passed the House only provide for the marking of goods after they are placed in cold storage? In other words, you could put eggs produced in the West into a cold-storage car, and they are shipped to New York, and reach New York as fresh eggs; but under this bill they are to be considered cold-storage eggs when they get to New York, because they were shipped in a refrigerator car.

Mr. HAUGEN. The New York law requires that they be marked "cold storage" on the very first day they are placed in storage. That is the objection some have to this bill. In New York it is required that they be marked from the first day, because of the difficulty experienced by inspectors in ascertaining the time that they were placed in cold storage. They contend that the only safe way would be to mark them on the first day. We have compromised, however, and have given them 10 days for shipment and 30 days for disposal; but under the State law the first day such goods enter cold storage in New York they must be marked, notwithstanding the provisions carried in this bill.

Mr. SUMMERS of Washington. When they are shipped in a cold-storage car, how can they be marked the instant they reach the State line?

Mr. HAUGEN. They are then in commerce. As soon as they are in cold storage it is required that they be marked. If you ship and store in Minnesota, you must mark them the first day.

That seems to be the safest way to legislate against fraud and deception. But we compromised. It was the very best we could do. I believe it is a very liberal bill. I think it as liberal as it should be. The packers contend that it requires two or three days for precooling and shipping. So if the meat is pre-cooled and disposed of to the retailer within 10 days the retailer will have 30 days in which to dispose of it without marking.

Mr. SUMMERS of Washington. How are these goods to be marked when they cross the State line? They are in cold storage in the car, which we designate as a place of cold storage. Are they stamped there?

Mr. HAUGEN. The bill provides for rules and regulations to be prescribed by the Secretary to cover such matters.

Mr. SUMMERS of Washington. But they must necessarily be cold-storage eggs when they enter the market?

Mr. HAUGEN. When they first enter cold storage in New York and other States they are required to be marked "cold storage."

If you will refer to the reports of the hearings before the committee, you will find the State laws require:

(P. 475.) New York, section 336. "It shall hereafter be unlawful for any person \* \* \* in the business of cold-storage warehousemen \* \* \* to receive any kind of food unless the said food is in an apparently pure and wholesome condition, and the food or the package containing the same is branded, stamped, or marked in some conspicuous place with the day, month, and year when the same is received in storage or refrigeration."

And also makes it unlawful to allow it—

"To be taken from their possession without first having branded, stamped, or marked said foodstuff, or the package containing the same, in a conspicuous place, the day, month, and year when said foodstuff or package was removed from cold storage or refrigeration."

(P. 467.) Massachusetts, section 4. All articles of food when deposited in cold storage shall be marked plainly with the date of receipt on the container in which they are packed, or if not packed in a container, on or in connection with the articles, except fish.

Sec. 6. It shall be unlawful to sell or offer or expose for sale articles of food which have been held in cold storage without notifying the persons, etc.

(P. 468.) Minnesota, section 1. No person \* \* \* shall sell, agree to sell, or advertise for sale any cold-storage eggs without making it known to the purchaser \* \* \* that the eggs are cold-storage eggs, and all boxes or other receptacles in which cold-storage eggs are sold or delivered, in wholesale or retail, shall be stamped in a conspicuous manner with the words "cold-storage eggs."

(P. 479.) Ohio, section 11. All food shall at the time it is deposited in any cold-storage warehouse bear the date of such deposit plainly stamped thereon. Such food shall also bear a stamp indicating the date of removal.

Sec. 12. It shall be unlawful for any person \* \* \* to sell or offer or expose for sale \* \* \* any cold-storage food unless there shall be placed on each container thereof in a conspicuous place in full view of the purchaser a placard with the words "wholesome cold-storage food." \* \* \* In addition all such food shall be marked with the date when it is withdrawn.

Mr. GOODYKOONTZ. Mr. Speaker, will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. GOODYKOONTZ. I observe that this bill provides for an authorization of an appropriation of \$200,000 for the purpose of administering the law. Does not the gentleman think it would take a great deal more than that to administer this law, and is not this merely the beginning of future great appropriations for regulation in an extensive manner of practically a private business?

Mr. HAUGEN. The enforcement of every law requires expenditures. We can not get away from that. The question is, Is it worth the price? Are the consumers entitled to the information that this bill would give or are they to be imposed upon as they have been in the past? Are they to continue to consume cold-storage food that has deteriorated and has become unfit for food?

Mr. GOODYKOONTZ. Does not the gentleman think that in addition to the great amount of money that the Government will have to spend in the administration of this act it will involve large expenditures on the part of the men who conduct this business, and thereby add largely to the cost of living?

Mr. HAUGEN. We are spending millions every year for enforcement of the laws. Money is required to enforce any law.

Mr. MILLER. Mr. Speaker, will the gentleman yield?

Mr. HAUGEN. Certainly.

Mr. MILLER. In transit between the Pacific coast and New York it would be impossible, would it not, under the provisions of this bill to mark poultry or eggs or anything as fresh products in the New York market?

Mr. HAUGEN. The New York law and this one would require that they be marked. If the gentleman can tell me how we can move one coast closer to the other, possibly we may overcome it. I take it that 10 days will give ample time in most instances.

Mr. MILLER. Does not the gentleman know that it takes more than 10 days to ship from the Pacific coast to New York?

Mr. HAUGEN. Yes, by freight; but generally it is not shipped by freight, as I understand it. It might take more than 10 days in some instances.

Mr. GOODYKOONTZ. Does not the gentleman think a bill of this sort, if enacted into law, will add to the advantage of the great packers and impede the transactions of small people, who will not want to go to the expense involved and into the detail made necessary under administrative rules and regulations promulgated under the law?

Mr. HAUGEN. In the last few days a great interest has apparently been manifested in the farmers and the small producers. For that reason I referred the conference report to the

representative of the National Dairy Union. Let me read you what he says. This letter is from Mr. Loomis, the secretary of the National Dairy Union. I believe the letter speaks for the dairy people. I take it that many of you have received telegrams from a number of dairies and creameries. The National Dairy Union speaks for the creameries throughout the United States, and it would indicate that they are satisfied with it. I do not know from where this deep interest emanated, but I do know that the dairy people's representatives are satisfied. It is so indicated in this letter, which follows:

THE NATIONAL DAIRY UNION,  
OFFICE OF THE SECRETARY,  
Washington, D. C., February 16, 1921.

HON. GILBERT N. HAUGEN,  
Chairman Committee on Agriculture,  
House of Representatives, Washington, D. C.

DEAR SIR: I looked over the report of the conference committee on the cold-storage bill with some care and can find no reason for opposing the immediate passage of this bill.

There has long been need for regulation of cold storage in interstate commerce, bringing the Federal law up somewhere nearly to the level of public protection which is provided by the better State laws, and I am certain that this bill is a step in the right direction.

Yours, sincerely,

A. M. LOOMIS, Secretary.

Mr. WALSH. Will the gentleman yield?

Mr. HAUGEN. Certainly.

Mr. WALSH. Is it true that under the definition of cold storage as written by the conferees in their bill, after an article has been in cold storage for eight days it may then be shipped without any regard to the provisions of this measure?

Mr. HAUGEN. I do not quite understand what the gentleman is aiming at. We do not propose to prevent the shipping or require the marking of articles held less than 10 days. If an article of food is held in storage more than 10 days and is shipped in interstate commerce, it comes under the regulations of the bill.

Mr. MANN of Illinois. Will the gentleman yield for a question?

Mr. HAUGEN. Certainly.

Mr. MANN of Illinois. In section 3 of the bill, where it provides for marking, there is this provision:

Except that if the Secretary of Agriculture finds it to be commercially impracticable to mark any article of food with the exact date, the day, but not the month or year, may be omitted, in which case the date when the article of food is placed in cold storage shall for the purposes of this act be deemed the first day of the month.

What character of food is contemplated, where it says a character of food that it is found impracticable to mark the exact date upon it?

Mr. HAUGEN. Where articles are shipped in bulk. For instance, there might be a number of articles of food—

Mr. MANN of Illinois. Eggs are shipped in bulk.

Mr. HAUGEN. They are shipped in cases.

Mr. MANN of Illinois. In cases, yes; but in bulk.

Mr. HAUGEN. It requires that the container of the eggs shall be marked.

Mr. MANN of Illinois. What character of food is referred to? I suppose the conferees had something in mind when they inserted the language. What character of food is it, where it is found impracticable to mark the exact date?

Mr. HAUGEN. For instance, in a shipment of fresh meat there might be a number of pieces placed in storage at different dates, so that it might be impracticable to mark each article.

Mr. MANN of Illinois. Poultry, for instance?

Mr. HAUGEN. Yes; poultry.

Mr. MANN of Illinois. That is frequently shipped in bulk.

Mr. HAUGEN. Wherever the Secretary finds it commercially impracticable to mark any article of food with the exact date he may permit them to omit the day, but not the month or year, in which case the article of food shall be considered to have been placed in storage as of the first day of that month, instead of the exact day; but bear in mind that it is optional on the part of the person so placing it in storage.

Mr. CHINDBLOM. Will the gentleman yield for a question?

Mr. HAUGEN. Yes.

Mr. CHINDBLOM. A case of eggs would have to be marked with the date when it was put in storage.

Mr. HAUGEN. Yes.

Mr. CHINDBLOM. Is there anything requiring the former to show when the eggs were laid?

Mr. HAUGEN. The bill does not cover that.

Mr. CHINDBLOM. The eggs might be very old when placed in cold storage. How does this prevent that?

Mr. HAUGEN. We are only dealing with cold storage in this bill.

Mr. McFADDEN. Will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. McFADDEN. I understood the gentleman to say that when the goods were put into cold storage at the end of the journey, then they were cold-storage property. Is it not a fact that they are cold-storage property if they are in transit in excess of 10 days? They do not have to go into actual cold storage to make them cold-storage property, do they?

Mr. HAUGEN. They are cold-storage products at the expiration of the 10 days. They have 10 days before they are required to be marked as cold storage.

Mr. McFADDEN. Suppose there is a shipment of eggs from the gentleman's State, fresh eggs, to New York, and it gets there in 12 days. The shipper would stand the loss because the eggs would then be sold as cold-storage eggs.

Mr. HAUGEN. They would have to be marked under the New York law and this bill. How would he stand a loss?

Mr. McFADDEN. Because they are cold storage.

Mr. HAUGEN. No; they are not required to be marked unless they have not been in cold storage 10 days or in the hands of the retailer more than 30 days. But if marked, the certificate of the date is a certificate of the quality. From now on it will not be possible to sell eggs that have been in cold storage a year or more as fresh eggs.

Mr. McFADDEN. If any of the component parts have been in cold storage in the process of manufacture, the storage record must follow clear through to the consumer. So that candy manufactured from butter and sugar must be marked clear through.

Mr. HAUGEN. Candy? No; that is not included.

Mr. McFADDEN. Not if the butter is included in it?

Mr. HAUGEN. No; if it is not mixed with any article of food that is included in cold storage.

Mr. McFADDEN. Like sausage, for instance?

Mr. HAUGEN. Sausage is a meat product and must be marked.

Mr. DAVIS of Tennessee. Will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. DAVIS of Tennessee. I notice that the gentleman stated a while ago that they had 30 days during which the cold-storage marks might be removed. And section 3 provides that cold-storage words may be omitted in the event that before the expiration of 30 days, following the date when such article of food was first placed in cold storage, it may be removed in order to be sold.

Mr. HAUGEN. And that is 30 days after the 10 days. The first 10 days' period can not be counted as cold storage.

Mr. DAVIS of Tennessee. That is true; but is not that a change, is it not inconsistent?

Mr. HAUGEN. The goods are not called cold storage until 10 days have elapsed, or they are not cold storage for an additional 30 days. If they are in a refrigerator owned by a retail dealer, then no mark is required. If placed in cold storage after 10 days and removed within 30 days, the words "cold storage" may be removed.

Mr. DAVIS of Tennessee. But later on, in section 3, you expressly provide that except that on these goods the marks may be removed immediately before the expiration of 30 days of the date when such goods were placed in cold storage. It occurs to me that there is a conflict.

Mr. HAUGEN. No; there is no conflict there, because under the definition of cold storage the goods are not in cold storage until after 10 days.

Mr. BRIGGS. Will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. BRIGGS. Under the provisions of this bill would it not be that the buyer of eggs from the poultry man or farmer after 10 days buys them at a price that is based on cold-storage goods? And would not the consumer who buys eggs up to 30 days have to pay the full price for such eggs as fresh eggs? In other words, the middleman gets a rake-off to which he is not entitled and which belongs fairly to the farmer.

Mr. HAUGEN. I imagine that from now on the consumer will ask for the marks and will know exactly when the goods were put in cold storage. He will know whether they have been there 30 days or 12 months.

Mr. BRIGGS. Under this provision is it not a fact that the dealer within 30 days can rub off the marks?

Mr. HAUGEN. If in cold storage, if he sells to the consumer, he may remove the marks. If in the hands of the retailer, no mark is required.

Mr. BRIGGS. If the eggs have been in cold storage 10 days, is it not true that the price the dealer will give the poultry man or the farmer for those eggs will be only the price of the cold-storage product, and then, within 30 days, sell them to the public as fresh eggs with the cold-storage mark removed?

Mr. HAUGEN. The marks indicate the date when they went into cold storage and—

Mr. BRIGGS. Why did the conferees prescribe 10 days for the dealer and 30 days for the consumer? In other words, why should the eggs remain in cold storage 30 days as far as the consumer is concerned and be fresh goods, and as far as the dealer is concerned only be fresh eggs for the first 10 days?

Mr. HAUGEN. When the bill passed the House it required the marking the first day the goods were placed into cold storage. The Senate provision gave 30 days; we compromised on 10 days for shipment and 30 days in selling by retail dealers.

Mr. BRIGGS. Does not the gentleman think the Senate provision is more equitable than the conference provision?

Mr. HAUGEN. Ten days seems to be all that should be required.

Mr. MANN of Illinois. Will the gentleman give me five minutes?

Mr. HAUGEN. I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN of Illinois. Mr. Speaker, this bill defines cold storage as the keeping of any article of food at or below the temperature of 45° above zero in a cold-storage warehouse, and then says it does not include the first 10 days of the time during which the article of food is so stored or kept. Catch that. Cold storage—article of food in a cold-storage warehouse, which is subsequently defined not to include the first 10 days. Then it defines a cold-storage warehouse as any place where food is kept under artificial temperature of 45°, and that includes a car in transit as well as a real warehouse. It then provides that the retailer who receives the food within 30 days from the date marked upon it may remove the marks, and provides further that all the dates when put in and when taken out of cold storage shall be marked upon the food, except that if the Secretary of Agriculture finds it commercially impracticable to mark any article of food with the exact date, the day, but not the month or the year, may be omitted. The day may be omitted, but the month or the year must be marked, in which case the date when the article of food is placed in cold storage shall for the purposes of this act be deemed as the 1st day of the month.

If an article of food is placed in cold storage on the 30th day of January, in a case where it is impracticable to mark the date, it will be presumed for the purposes of this act that it was placed in cold storage on the 1st day of January, and then no part of the bill that exempts the 10 days applies, and no part of the 30-day provision applies, because for the purposes of this act it was placed in cold storage 30 days before it actually was placed in cold storage; and any article that is shipped by rail after the 10th day of the month, no matter how quickly it gets to the market, goes to the market as a cold-storage product, where it is commercially impracticable to mark the exact date on the article.

I confess I do not know just what that provision applies to, but the gentleman from Iowa [Mr. HAUGEN], as far as I could gather, thought it would apply to any article shipped in bulk—poultry, not alive; butter, in many cases; eggs, perhaps; meat, perhaps. Any article which can not be definitely marked with the date because it is commercially impracticable can not be shipped a minute after the 10th day of the month without being marked cold storage. I have no doubt that that was an inadvertence on the part of the conferees. I have no doubt that they did not see that result. It is not fair to give a man who places an article in a refrigerator car on the 1st day of the month preference over a man who places his in a car on the 11th day of the month. They both ought to come under the same terms. If one is to have his goods marked cold storage, the other ought to have his goods marked cold storage, but under the terms of this bill the man who places his goods in the car on the 1st day of the month does not have to mark them cold storage, and during a 30-day period he can tear off the marks in the hands of the retailer; but if he puts them in after, then it is presumed that they have been in cold storage for 10 days before he has put them in cold storage at all. That is not fair.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 15336. An act to amend the transportation act, 1920.

#### ADJOURNMENT.

Mr. TREADWAY. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Massachusetts makes the point of order that there is no quorum present. Evidently there is not.

Mr. MANN of Illinois. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 6 o'clock and 4 minutes p. m.) the House adjourned, in accordance with the order heretofore made, until to-morrow, Wednesday, February 23, 1921, at 11 o'clock a. m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV,

423. A letter from the Secretary of the Navy, transmitting a protest against House bill 15976 in connection with the uniform selection and purchase of coal and other fuel for use by the Federal Government was taken from the Speaker's table and referred to the Committee on Mines and Mining.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 16091) for the construction of a bridge across Rock River at or near Shirland Avenue, in the city of Beloit, Wis., reported the same without amendment, accompanied by a report (No. 1349), which said bill and report were referred to the House Calendar.

Mr. SWEET, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 16065) to authorize aids to navigation and for other works in the Light-house Service, and for other purposes, reported the same with an amendment, accompanied by a report (No. 1352), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. HASTINGS, from the Committee on Indian Affairs, to which was referred the bill (H. R. 15672) granting a deed of quitclaim and release to J. L. Holmes of certain land in the town of Whitefield, Okla., reported the same with amendments, accompanied by a report (No. 1347), which said bill and report were referred to the Private Calendar.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 15913) granting a pension to Charles Henry Mosher, and the same was referred to the Committee on Invalid Pensions.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HULL of Iowa: A bill (H. R. 16139) for the establishment of a corps of cadets and for other purposes; to the Committee on Military Affairs.

By Mr. RANDALL of California: A bill (H. R. 16140) to authorize the Postmaster General to establish a post office of the second or third class at Glendale, Calif.; to the Committee on the Post Office and Post Roads.

By Mr. FRENCH: Memorial of the Legislature of the State of Idaho recommending a fixed and comprehensive national policy of reclamation of arid and swamp lands and soliciting the immediate enactment by Congress of legislation designed and adapted to the needs of this great work; to the Committee on Irrigation of Arid Lands.

Also, memorial of the Legislature of the State of Idaho, indorsing House bill 12466, by Addison T. Smith, giving authority to the Secretary of the Interior to grant right to construct Fall River Meadows Reservoir, Yellowstone National Park; to the Committee on the Public Lands.

By Mr. KAHN: Memorial of the Legislature of the State of California, relating to the protection of citrus fruits and their by-products; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of California, relative to the indorsement of the McFadden bill to conserve the gold-ore resources of the Nation in the interest of monetary security; to the Committee on Banking and Currency.

Also, memorial of the Legislature of the State of California, relative to the World War adjusted compensation act; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Legislature of the State of California, relative to the protection of the dairy industry; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of California, relative to a tariff on certain agricultural products; to the Committee on Ways and Means.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CURRIE of Michigan: A bill (H. R. 16141) granting a pension to Sarah E. Howe; to the Committee on Invalid Pensions.

By Mr. HOEY: A bill (H. R. 16142) granting a pension to Roderick R. Burrow; to the Committee on Pensions.

Also, a bill (H. R. 16143) to compensate Levi Buckner for the time he was omitted from the pension roll; to the Committee on Invalid Pensions.

By Mr. TINKHAM: A bill (H. R. 16144) granting a pension to Patrick William O'Donnell; to the Committee on Invalid Pensions.

By Mr. EMERSON: Joint resolution (H. J. Res. 475) to pay the city of Cleveland, Ohio, for work done in front of Government property; to the Committee on Claims.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5985. By the SPEAKER (by request): Petition of the unemployed of Miles City, Mont., favoring a resumption of friendly trade relations with soviet Russia; to the Committee on Foreign Affairs.

5986. By Mr. ASHBROOK: Petition of Mrs. Ralph Wilson and 243 other members of the Delaware, Ohio, Daughters of the American Revolution, favoring the passage of the Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

5987. By Mr. COOPER: Petition of Mahoning Chapter, Daughters of the American Revolution, of Youngstown, Ohio; to the Committee on Public Buildings and Grounds.

5988. By Mr. CRAMTON: Petition of the Michigan Potato Producers' Association, asking for a protective tariff on potatoes imported into this country; to the Committee on Ways and Means.

5989. Also, petition of the Women of the Auxillary of American Legion Post No. 16, Lapeer, Mich., asking for the passage of the McLeod resolution; to the Committee on Public Buildings and Grounds.

5990. Also, petition of Rev. W. J. O'Rourke and the members of St. Elizabeth's Church, Reese, Mich., protesting against the passage of the Smith-Towner bill; to the Committee on Education.

5991. By Mr. CULLEN: Petition of the St. Augustine Holy Name Society, of Brooklyn, N. Y., protesting against the passage of the Smith-Towner bill; to the Committee on Education.

5992. By Mr. EMERSON: Petition of the Cleveland Grays, of Cleveland, Ohio, favoring the Rogers-Capper bill; to the Committee on Interstate and Foreign Commerce.

5993. By Mr. FRENCH: Petition of the Idaho Mining Association of Boise, Idaho, requesting readjustments and revisions of the ore transportation rates; to the Committee on Interstate and Foreign Commerce.

5994. Also, petition of the Idaho Mining Association, of Boise, Idaho, recommending to Congress that the 640-acre enlarged homestead-grazing act be repealed; to the Committee on Public Lands.

5995. Also, petition of the Idaho Mining Association, of Boise, Idaho, urging adequate protection of the lead and zinc industry by tariff; to the Committee on Ways and Means.

5996. By Mr. GALLIVAN: Petition of the Massachusetts department, the American Legion, favoring the passage of the Kenyon bill during present session of Sixty-sixth Congress; to the Committee on Military Affairs.

5997. Also, petition of several hundred citizens of Dorchester, Mass., at a meeting held at Dorchester High School, Dorchester, Mass., under the auspices of the St. Mark's Catholic Club of Dorchester (Inc.), February 20, protesting against the passage of the Smith-Towner bill; also petition of Bishop Cheverus General Assembly, Knights of Columbus, Boston, Mass., protesting against passage of the Smith-Towner bill; to the Committee on Education.

5998. By Mr. CASEY: Petition of Mrs. Mamie Higgins, Edward Hanks, and 100 other citizens of Ashley, Pa., protesting

against the passage of the Smith-Towner bill; to the Committee on Education.

5999. Also, petition of Rev. J. J. Hussie, J. J. Kerrigan, and 150 other citizens of Ashley, Pa., and Rev. Father George F. Forve, Jacob Gable, Harver Norhoff, and 125 other citizens of Luzerne County, Pa., protesting against the passage of the Smith-Towner bill; to the Committee on Education.

6000. By Mr. MacGREGOR: Petition of the Winfield Scott Council, No. 137, of the Junior Order of United American Mechanics (Inc.) and the James Madison Council, No. 73, of the Junior Order of the United American Mechanics, Buffalo, N. Y., indorsing the Smith-Towner bill; to the Committee on Education.

6001. Also, petition of the Licensed Tugmen's Protective Association, Local Union No. 4, Buffalo, N. Y., favoring a duty of not less than 2 cents on all fresh-water fish imported into this country from any foreign land; to the Committee on Ways and Means.

6002. By Mr. MANN of Illinois: Petition of certain citizens of Chicago, Ill., favoring an amendment to the prohibition act; to the Committee on the Judiciary.

6003. By Mr. MOONEY: Petition of the Cleveland Chamber of Commerce, of Cleveland, Ohio, favoring the passage of House bill 14961 and Senate bill 4613; to the Committee on Interstate and Foreign Commerce.

6004. By Mr. NEWTON of Missouri: Petition of 195 citizens of St. Louis, Mo., protesting against the passage of the Smith-Towner bill; to the Committee on Education.

6005. By Mr. RAKER: Petition of Ohio State Conference on Americanization, relative to legislation on naturalization; to the Committee on Immigration and Naturalization.

6006. Also, petitions of William and Sylvester Mears, contractors on star route No. 76608, and 105 citizens, of Shasta County; H. O. Carter and 56 others, of Nevada County; John J. Daily and 36 others, of Trinity County; F. H. Kissner and 56 others; W. C. Brown and 23 others, of Siskiyou; and C. L. Brown and 78 others, of Trinity County, all in the State of California, in support of increased compensation for star-route mail contractors; to the Committee on the Post Office and Post Roads.

6007. By Mr. RIDDICK: Petition of residents of Daniels County, Mont., urging Congress to extend financial aid to the farmers; to the Committee on Banking and Currency.

6008. By Mr. ROGERS: Petition of the Particular Council of the St. Vincent de Paul Society, of Lowell, Mass., protesting against the passage of the Smith-Towner bill; to the Committee on Education.

6009. By Mr. SHREVE: Petition of the Ladies' Catholic Benevolent Association, Branch 3, of Titusville, Pa., protesting against the passage of the Smith-Towner bill; to the Committee on Education.

6010. By Mr. SINCLAIR: Petition of North Dakota Society of Engineers, favoring the creation of a department of public works; to the Committee on the Judiciary.

6011. Also, petition of Jamestown, N. Dak., Council No. 1833, protesting against the passage of the Smith-Towner bill; to the Committee on Education.

6012. Also, resolution introduced in the Senate of the North Dakota Legislature by Mr. O. C. Gross, and passed by that body, favoring the adoption of the metric system; to the Committee on Coinage, Weights, and Measures.

6013. By Mr. SMITH of Illinois: Petition of St. Paul Court No. 618, Catholic Order of Forerestors, of Odell, Ill., and the Odell Council No. 895, Knights of Columbus, of Odell, Ill., protesting against the passage of the Smith-Towner bill; to the Committee on Education.

6014. By Mr. STINESS: Petition of Central Labor Union of Newport, R. I., protesting against the passage of the Smith-Towner bill; to the Committee on Education.

6015. By Mr. SUMMERS of Washington: Petition of Susie C. Barragy, of Seattle, Wash., protesting against the passage of the Smith-Towner bill; to the Committee on Education.

6016. By Mr. TEMPLE: Petition of Council No. 819, Ladies' Catholic Benevolent Association, Monaca, Pa., protesting against the passage of the Smith-Towner bill; to the Committee on Education.

6017. Also, petitions of Beaver Valley Council, No. 604, Knights of Columbus, Beaver Falls, Pa., and Ambridge Council, No. 1780, Knights of Columbus, Ambridge, Pa., protesting against the enactment of the Smith-Towner bill (H. R. 7); to the Committee on Education.

6018. Also, petition of Cross Creek Grange, No. 954, Cross Creek, Washington County, Pa., protesting against enactment of daylight savings law; to the Committee on Interstate and Foreign Commerce.

6019. By Mr. TINKHAM: Petition of the executive board of the Boston League of Women Voters, disapproving of any increased appropriation for armament; to the Committee on Appropriations.

6020. By Mr. VARE: Petition of the G. R. C. State League of Pennsylvania, relative to social reform and labor questions; to the Committee on Interstate and Foreign Commerce.

6021. Also, petition of the advisory board of the Philadelphia and Camden Federations, Pennsylvania system lines, asking an investigation of the Pennsylvania system conditions; to the Committee on Interstate and Foreign Commerce.

6022. By Mr. YOUNG of North Dakota: Petition of the Grand Forks Council, No. 1260, Knights of Columbus, of Grand Forks, N. Dak., protesting against the passage of the Smith-Towner bill; to the Committee on Education.

6023. Also, petition of sundry citizens of Osnabrock, N. Dak., protesting against the passage of the Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

## SENATE.

WEDNESDAY, February 23, 1921.

(Legislative day of Monday, February 14, 1921.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Gay	Lenroot	Simmons
Brandegge	Gerry	Lodge	Smith, Ariz.
Calder	Gooding	McCumber	Smith, Ga.
Capper	Gronna	McKellar	Smith, S. C.
Chamberlain	Harris	McLean	Smoot
Culberson	Harrison	McNary	Spencer
Cummins	Heflin	Myers	Sterling
Curtis	Henderson	Nelson	Sutherland
Dial	Jones, N. Mex.	New	Thomas
Dillingham	Jones, Wash.	Owen	Trammell
Edge	Kellogg	Phipps	Underwood
Elkins	Kenyon	Pittman	Wadsworth
Fernald	Keyes	Pomerene	Walsh, Mont.
Fletcher	Kirby	Robinson	Williams
France	Knox	Sheppard	Willis
Frelinghuysen	La Follette	Shields	Wolcott

Mr. BALL. I wish to announce that the Senator from Maine [Mr. HALE] and the Senator from Washington [Mr. POINDEXTER] are in attendance upon a hearing before the Committee on Naval Affairs.

Mr. HENDERSON. I desire to announce the absence of the Senator from Michigan [Mr. TOWNSEND] and the Senator from New Hampshire [Mr. MOSES] on official business.

Mr. SMOOT. I wish to announce the absence of the senior Senator from Wyoming [Mr. WARREN] and the junior Senator from North Carolina [Mr. OVERMAN] at a conference on the sundry civil appropriation bill.

The VICE PRESIDENT. Sixty-four Senators have answered to the roll call. There is a quorum present.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. H. Overhue, its assistant enrolling clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses to the amendments of the Senate to the bill (H. R. 15682) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1922; that the House had receded from its disagreement to sundry amendments of the Senate to the bill and agreed to the same; that the House receded from its disagreement to certain sundry amendments of the Senate and agrees to the same with amendments; and that the House insists upon its disagreement to the amendments of the Senate Nos. 53, 65, 83, 104, and 106, and requests a further conference with the Senate.

The message also announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses to the amendments of the Senate to the bill (H. R. 9521) to prevent hoarding and deterioration of, and deception with respect to, cold-storage foods, to regulate shipments of cold-storage foods in interstate commerce, and for other purposes; that the House insisted upon its disagreement to the amendments of the Senate to the bill, and requested a further

conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. HAUGEN, Mr. McLAUGHLIN of Michigan, and Mr. YOUNG of Texas were appointed managers at the further conference on the part of the House.

### PETITIONS AND MEMORIALS.

Mr. McNARY presented a joint memorial of the Legislature of Oregon, which was referred to the Committee on Commerce, as follows:

UNITED STATES OF AMERICA,  
STATE OF OREGON,  
OFFICE OF THE SECRETARY OF STATE.

I, Sam A. Kozier, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of House joint memorial No. 11 with the original thereof adopted by the Senate and House of Representatives of the Thirty-first Legislative Assembly of the State of Oregon and filed in the office of the secretary of state February 11, 1921, and that the same is a full, true, and complete transcript therefrom and of the whole thereof, together with all indorsements thereon.

In testimony whereof, I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 11th day of February, A. D. 1921.

[SEAL.]

SAM A. KOZIER,  
Secretary of State.

House joint memorial 11.

To the honorable Senate and House of Representatives of the United States of America, in Congress assembled:

We, your memorialists, the House of Representatives of the State of Oregon, the Senate concurring, respectfully represent this:

Whereas there is a long strip of country along the southwestern coast of Oregon that has no adequate shipping facilities and the country is greatly retarded by lack thereof; and

Whereas the people of Port Orford, Curry County, Oreg., have organized a port district and have built a wharf at Port Orford at a cost of \$40,000; and

Whereas by a small expenditure of money a breakwater of approximately 500 feet in length could be built from a point near the present wharf to a point of rock in the ocean that would allow the largest vessels afloat to land at the wharf at all seasons of the year; and

Whereas there is a great demand for Port Orford cedar, and southwestern Oregon is the only part of the world where said cedar grows, and there is at present no proper shipping facilities for this and other products in said vicinity: Therefore be it

Resolved by the House of Representatives of the State of Oregon (the Senate concurring). That the Congress of the United States of America be, and it is hereby, memorialized to take the necessary steps to have a survey made of the port of Port Orford with the view of making said breakwater or jetty.

Resolved, That the secretary of the State of Oregon be directed to transmit by mail a copy of this memorial to the President of the United States Senate and the Speaker of the House of Representatives of the United States and to each of the Senators and Representatives from the State of Oregon in Congress.

Adopted by the senate February 10, 1921.

ROY W. RITNER,  
President of the Senate.

Adopted by the house February 2, 1921.

LOUIS E. BEAN,  
Speaker of the House.

Indorsed: House joint memorial No. 11. Introduced by Mr. Peirce.

W. F. DRAGER, Chief Clerk.

Filed February 11, 1921.

SAM A. KOZIER, Secretary of State.

Mr. McNARY presented a joint memorial of the Legislature of Oregon, which was referred to the Committee on Interstate Commerce, as follows:

UNITED STATES OF AMERICA,  
STATE OF OREGON,  
OFFICE OF THE SECRETARY OF STATE.

I, Sam A. Kozier, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of house joint memorial No. 8 with the original thereof adopted by the Senate and House of Representatives of the Thirty-first Legislative Assembly of the State of Oregon and filed in the office of the secretary of state February 11, 1921, and that the same is a full, true, and complete transcript therefrom and of the whole thereof, together with all indorsements thereon.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 11th day of February, A. D. 1921.

[SEAL.]

SAM A. KOZIER,  
Secretary of State.

House joint memorial 8.

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

We, your memorialists, the House of Representatives and the Senate of the State of Oregon, in regular session assembled, respectfully represent that:

Whereas your honorable body has under consideration a bill compelling every manufacturer, or handler, or seller of woolen fabrics and woolen garments, to place thereon a tag plainly stating the exact percentage of virgin wool and also how much and what other materials enter into such cloth; and

Whereas such a law will be of inestimable value to both those who wear clothing and also to producers of wool and mohair; and

Whereas Oregon is interested, both as a producer and as a user of woolen goods: Therefore be it

Resolved by the house of representatives (the senate concurring). That the Congress of the United States be, and it is hereby, memorialized to enact such legislation; and be it